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The
Canadian Portfolio
conducted by
John Arthur Roebuck, Esq
and
other friends of Canada

containing a faithful exposition of the causes that have produced the civil war in Canada, together with the various official documents necessary to elucidate and support the history of this disgraceful contest.

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CANADIAN PORTFOLIO.

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TO THE PEOPLE OF ENGLAND.

LETTER I.

FELLOW-COUNTRYMEN,—I address you on behalf of the suffering people of Lower Canada. I ask not for charity, but justice.

The oppressions under which the inhabitants of Lower Canada now groan are the work of the present Administration. Bad as was the rule of former governments, great as was the atrocity and the folly of their conduct, all their folly, all their injustice sink into utter insignificance when contrasted with the glaring and audacious villany now practised as regards Canada. It was reserved for the Government of Lord Melbourne to punish a people with civil war, for the mere exercise of constitutional privileges. It was reserved for the Whigs, first to acknowledge the truth of all the Canadians' complaints; then, to refuse them redress; and, lastly, to punish them with all the horrors of war for daring in Parliament assembled to refuse the supplies.

When in opposition, for party purposes the present Administration pretended to sympathise with the suffering colonists: the Whigs set them the example of resistance to the existing Government; they preached doctrines which justify every portion of the Canadians' conduct; and from the ravings of the Whig opposition for the last forty years, I could adduce thousands of instances of inflammatory talk, and revolutionary principles, unequalled in violence or daring by anything said or done by the men whom they now are persecuting. But it appears the Whigs are patriots for a purpose—admirers of freedom, only while in opposition, and creating national excitement for personal ends. You may estimate the worth of their principles by the extent of their salaries; patriots while poor; raving for liberty while excluded from office; unscrupulous as to means while seeking the holy end of getting into power; careless of truth, and reckless of consequences, they talked about constitutional liberty and eternal justice; they pre-

tended to be fervent in the promotion of human freedom, and now in the hour of their domination, they meanly shrink from the principles which they have spent their lives in promulgating, and with a cruelty only surpassed by its unblushing and shameless audacity, they persecute those who were weak enough to believe them sincere.

I will bear out these charges to the letter, and the history of Canadian wrongs shall justify all and every one of my assertions. This history is a compound of folly and iniquity, not surpassed by the worst doings of the worst days of Tory domination.

Yes, fellow-countrymen, civil war now rages in Lower Canada. Lord Melbourne, taking no warning from experience, is re-enacting all the errors and all the terrible injustice of Lord North—and shame and dishonour will, unless you check the Ministry in their mad career, again repay the injustice of England to her colonies. The United States of North America are the lasting memorial of the folly and the iniquity of our forefathers ; let it be your care that another confederation of powerful states, formed by the transformation of our colonies into independent nations, do not again proclaim to the world that we know not how to be just, and that we are so wedded to error, as to be incapable of receiving instruction even from experience. Show me one act of Lord North's, which the unanimous voice of an indignant world has branded with infamy, and I will adduce an instance in the conduct of the present Administration towards Lower Canada, which shall, in every particular, surpass it in atrocity and folly.

When Franklin wrote his famed rules for making a great empire a small one, he little thought he was leaving a perpetual legacy to British statesmen.

The people, when America rebelled, knew little of America. The people now know little of Canada. Then English merchants and English official servants told the people of England that a few factious demagogues alone complained—that the people were content—that the Americans would not fight : and one boasting officer told the House of Commons of that day, that with two troops of horse he would ride from one end of the American continent to the other. Saratoga answered that insolent vaunt ; the declaration of independence showed that the public responded to the call of their leaders, and the definitive treaty of peace signed at Paris, acknowledging our former colonies to be the independent United States of America, tested the truth of the assertion by which the people of this nation had been gulled.

The official servants of the Crown tell you now, that none in Canada complain but a few factious demagogues, and British merchants are found, as heretofore, to give weight and currency to the statements. With the one class pay and nothing to do is the grand object of desire, with the other gain, and social superiority. But will you, shutting

your eyes to all evidence, disregard a bitter experience? Will you, I ask, blindly follow these interested guides, and perpetuate injustice only to be rewarded by shame and defeat? Defeat! ay, my good countrymen, defeat. Your forefathers failed, in circumstances far less unfavourable than the present; and I prophesy, fearlessly, that you also, if you continue this atrocious war, will obtain your due reward in disaster and defeat.

Every possible means have been taken to deceive you. For your edification and that of your rulers (though, God knows, I have little hopes of their listening to the dictates of common sense or common honesty), I will now proceed to draw a parallel between our present position, and that of our forefathers, at the breaking out of the American Revolution—rebellion it was called in 1776. But what did Lord North, what did George the Third think and call it, when Franklin and Jay, not as humble petitioners at your bar for justice, but as the representatives of a puissant nation, forced into existence by the ignorance and the tyranny of England, signed the Treaty of Paris, and immortalised our *shame* and our defeat?

By a successful war, under the auspices of Lord Chatham, we had reduced the power of France in every quarter of the globe. In America, by the aid of the colonists, we had succeeded in adding Canada to our possessions, so that we possessed the whole of the continent of North America, from the confines of Florida to the Pole. We were almost without debt, and our commerce was increasing and healthy. In the pride of the moment, and regardless of the dictates of common justice, we determined to derive a revenue from our North American colonies. Everybody in England seemed to consider this determination honest as well as wise, and Parliament and the nation were equally astonished to find remonstrance and resistance meet this cherished plan. Remonstrance and resistance they did meet, however, and then came severe and biting Acts of Parliament, and armies were sent over to suppress sedition: for that was the word *then* used. The Americans revolted. Just consider their situation. They were three millions, it is true—and the two Canadas contain only one; but, on the other hand, what was then the state of the American continent? These three millions had to brave the greatest Power then existing upon earth. In America there was no aid—a large English army was already there, and the means of corrupting the leaders of the people were numerous and potent. Now Canada, who then held firm to us, through all the disasters of that humiliating war, who resisted all the temptations held out to her by the Congress at Philadelphia—now Canada looks to that same country for assistance. And mark my words, fellow-countrymen: assistance will be given—not by the Government, but by the sympathising citizens—and the Government can put no stop to such aid. The Congress, if it desired, dares not pass a

Foreign Enlistment Bill; there is no law by which the Government can interfere with the proceedings of the citizens in this matter; already rifles have been sent to Canada—men who can handle those rifles with deadly dexterity will follow. Our Government may complain, and call upon Mr. Van Buren, the President of the United States, to interfere. His answer, given with all possible courtesy, will be—I cannot; I have no power. Texas teaches us what we may expect in Canada. No country in the world has so large a population as the United States, who are ready, at a moment's warning, to move to any part of the country which they inhabit. All the frontiers of the West swarm with hardy and unscrupulous adventurers. The Canadian people can, if they should desire it, have the assistance of the western hunters at a few weeks' notice. I care not who may deny this. I know the country; I know the people: further, I know the means that will be taken to allure these men to Canada—Land, land, land! fellow-countrymen, will be the payment. Millions of waste acres will be at the disposal of the successful Government of independent Canada; thousands of confiscated acres will also be theirs; and with this in their prospective possession, they will not be destitute of the means of bringing a swarm of adventurers from the West. And when we have raised all this commotion, what are our means to suppress it? Look at our debt. Do you want to increase it? Do you desire to maintain a standing army of 20,000 men in Canada? Nothing less will even have a chance of maintaining order (after the fashion of that maintained at Warsaw) in excited revolutionary Canada. Do you believe yourselves so happy and so rich as to pant for another war? Do you believe that a dismemberment of the empire, after an expensive contest, will add to your happiness, and decrease the misery of the poor among you? If you desire peace, and that security for commerce which peace alone affords, think well upon this war just breaking out in an obscure village of Lower Canada, but which, like that commenced at Lexington, will spread over the whole globe. Sir John Colborne has fired the first gun; he has rushed headlong into this encounter. What will England—what will mankind say of this conduct, when the terrors and the calamities of war shall have spread like a pestilence over every portion of the civilized earth? You may say I am an alarmist. Wait the issue. The noise of the strife is not yet heard—far off as yet is the coming tempest—but it will approach our own shores. Every artizan, every merchant, every man, woman, and child, will hear and tremble at it, and the people in their despair will curse the ignorance, the folly, and the injustice of their rulers. But when calamity shall come, remember well that you have yourselves to blame; with your sanction the rulers of the people will enter into this unholy strife. If you are silent, they are justified. You have great power over your rulers—not directly, it is true; a reformed Parliament is not the people's Parlia-

ment—I know that well; but still, reformed or unreformed, they dare not enter into a war without the concurrence of the people. The Ministers will ask the concurrence of Parliament, and Parliament will give it, unless you speak out. You all know the pleasures of warfare. Are we not at this moment enjoying them? Did not our fathers shout "War! war!" at the instigation of Pitt? Oh, the French war was popular. It was a dear enjoyment, however: look at our debt. Do you blame Mr. Pitt, or do you blame your fathers? They justified the Minister, and left us the debt as a legacy. Will you imitate this bright example, and buy pleasure at such a cost?

And what, let me ask, do you expect to gain by this war, and why do you or do your rulers deem it necessary? I will tell you the tale of Canadian grievances. The history shall be short, though the suffering has been long; and when I have closed my narrative, let every man ask himself if he thinks that he is acting a wise or an honest part in abetting the enslaving a whole people upon such pretences, and for such an object?

J. A. ROEBUCK.

LETTER II.

CONDUCT OF THE BRITISH GOVERNMENT IN CANADA UP TO THE YEAR 1830.

In the year 1763, aided by our colonists in North America, we acquired possession of Canada, then called the Province of Quebec. We behaved wisely, at least, to Canada at that time, allowing the Canadians to be governed by their former laws and customs, and softening the rigour of the French criminal code.* The English colonies rebelled, for to them we desired to be a cruel stepmother. Then was seen the wisdom of our conduct towards Canada. On the breaking out of the revolutionary war, Franklin was sent by Congress to Canada with an address, inviting and intreating the Canadians to join their confederation. Governed by gratitude, the Canadians resisted this tempting offer, preferring the subservient position of a protected and cherished colony to the imposing and dazzling name of an independent nation. "England has used us well and we will stand by her, in this her hour of need." Such was then the language of the Canadian people. They held to this determination, and resisted not merely the intreaties but the arms of the Ame-

* This conduct on our part was not the result of any generosity. The fact being, that, in order to create a counterpoise to the then discontented English colonists, we endeavoured to draw a marked line between the institutions of Canada and the rest of our possessions in North America. In this we succeeded, and Canada refused to join the revolted Americans. We are now punishing the Canadians for attachment to the very institutions which we made our safeguard in time of serious peril.

ricans. The fatal expedition of Montgomery told how loyal to England were the people of this *French* colony.

The disastrous termination of the contest with the revolted colonies for the moment taught us wisdom. We were wise too late it is true; we had lost the finest provinces of our empire, but we had others yet in our possession. The Act of the 18th of George III. was passed by an humiliated Parliament, solemnly acknowledging as a principle for ever after to be religiously observed, that none of our colonies were to be taxed without the consent of the inhabitants. The words of this Act are worthy of the most serious consideration at this present most eventful crisis. They are as follow:—It is enacted, "That from and after the passing of this Act, the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of his Majesty's colonies, provinces, and plantations in North America, or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce; the nett produce of such duties to be always paid and applied to and for the use of the colony, province, or plantation in which the same shall be respectively levied; in such manner as other duties collected by the authority of the respective general courts, or general assemblies of such colonies, provinces, or plantations are ordinarily paid and applied."

And still further to strengthen this part of the case respecting Canada, by the 31st of George III., c. 31, sec. 47, it is enacted, "That the nett produce of all duties which shall be so imposed, shall at all times hereafter be *applied* to and for the use of each of the said provinces respectively, *and in such manner only as shall be directed by any law or laws which may be made by his Majesty, his heirs or successors, by and with the advice and consent of the Legislative Council and Assembly of such province.*"

Let the reader bear in mind that this specifically relates to the *application of the revenue.*

In 1791, the famous Quebec Bill was passed, and a Constitution granted to Lower and to Upper Canada. I need not now describe this Constitution. Suffice it to say, that in each province a Legislature was created, consisting of three parts,—a governor chosen by the Crown, a Legislative Council chosen by the Crown for life, and a House of Assembly chosen by the people. The executive government was to be composed of the governor and a council.

When, in 1812, another war broke out between Great Britain and America, the people of Canada again proved their grateful sense of our liberal policy in thus granting them a Constitution, by resisting without aid from England the invasion of the Americans. The Canadian militia turned out to a man, met the Americans in the field, and signally defeated the invaders. And these are the people whom we are taught to look upon as persons who have willingly sought occasion to throw off

the English dominion, and to be besides of such a quiet and coward nature as to tremble at the mere idea of fighting. Had they at this crisis simply remained passive, the Americans would, without resistance, have acquired possession of the Canadas. Our troops were all employed in the war against Napoleon, and Canada was left wholly unprotected. Experience will *not* make fools wise.

Until 1810, England paid the expenses of the government; in that year the House of Assembly wisely asked to be allowed to maintain their own civil administration. To this a furious opposition was offered by a party now first noticed, but who have never since been forgotten, viz., *the officials* of Lower Canada. They persuaded the then governor, Sir James Craig, to send certain members of the House of Assembly to prison for their audacity, in presuming to desire to pay their own expenses. Do not think this a romance; every word is true. It has by myself been asserted oftentimes in the House of Commons; and although it may seem to our English minds too outrageous to be possible, believe me, fellow-countrymen, when I say no man will dare to deny my assertion.

England, then making gigantic efforts to put down Napoleon, was too much pressed by her burthens to resist the offers of the Canadians; and in spite of the official opposition, the House of Assembly were allowed to provide for the expenses of the civil government. Strange as the assertion may appear to you, from this source has arisen all the misery of Lower Canada. On one side, the official party, supported in the Legislature by the irresponsible Legislative Council, have furiously opposed every attempt at economy, and have step by step defended the power which they possessed of plundering the province. On the other side, the people, represented faithfully by the House of Assembly, have strenuously demanded of the Government complete control over their own finances, and have desired to have all the public servants, except the governor, responsible to the Legislature. This has been the subject matter of the quarrel; this is still the quarrel; and the home Government, together with the Parliament, have stedfastly supported the official party against the people. The officials, desiring unstinted pay without responsibility, found sympathising hearers on this side of the water; when the people complained that their servants plundered and ill-served them, they were met with neglect, contumely, and scorn.

The progress of this contest between these two parties deserves attentive consideration. The various steps taken by the Assembly to gain their end I will endeavour shortly to narrate, as well as the successive subterfuges by which the official party have attempted to fight off that which they dreaded above all things, viz. responsibility to intelligent and active superintendents chosen by the people.

Let me ask the enemies of Canada, at this point, the following questions:—

1. Do you deny that it was the aim of the House of Assembly to gain full and complete control over every branch of their revenue?

2. If you do not deny this, do you deem such end improper?

3. If you deem such end not improper, do you quarrel with the means which the Assembly have employed to attain it?

I will now describe these means, and will leave it to you, my fellow-countrymen, to decide whether common justice will sanction your waging war with the unfortunate people of Canada, for the purpose of preventing their attaining the end their representatives sought, or of punishing them for employing the means which you and your Parliament put into their hands.

The moment that the civil expenses were to be defrayed by the Canadians themselves, scrutiny into the accounts necessarily followed. Will you believe it, people of England, this inspection of accounts was refused to the House of Assembly? Will the enemies of Canada deny this? They dare not. But they will say, it is not refused now; no, not now*, but how long, and by what means was it refused, and what were the means which drove the Colonial Office, here, and the Executive in the colony, however unwilling, to grant this long-refused request? On this depends the whole controversy. The conduct of both parties in the dispute explains itself, and needs only to be described to be understood.

Two plans were adopted by the official people to ward off responsibility and inspection. First, they required that the House of Assembly should grant the expenses in one round sum, and not by items. This the House refused. What was the consequence? The people and the members were harassed by constant dissolutions. The members were treated with every species of contumely, and when it was found that contempt would not effect the purpose, the Legislative Council was called into play. Mark this well, for you will see what was the result. This Legislative Council being the grand and immediate or proximate cause of quarrel: the distant end, the really desired object of the official people, being plunder without responsibility—the Legislative Council being but the tool or means to attain that righteous end.

Well, the Legislative Council were called into play. They refused, by solemn resolutions, to receive any money bills which voted money by items. Let me explain this voting by items. The officials said, "There are our estimates in round numbers" (say, for the sake merely of illustration, 40,000*l.*) The Assembly said, "We should like to know the items of this account, for we wish to see how our money is applied."

* It is refused in substance still, as I will show hereafter: nominally, we are very candid and liberal under the Whigs. In reality, shuffling is rather more rife than ever. The Tories boldly refuse the accounts. The Whigs shuffle and attempt by subterfuge to escape inspection. As a matter of taste, I prefer the bold and open rogue.

The answer was, "no; vote the round sum; you have nothing to do with the items. If you were allowed to inspect those, you would infringe on the prerogatives of the Crown, and endanger the purity of justice." You will see, hereafter, how this assertion runs through all the talk on this matter. The House stood firm, and made out a list of expenses, voting so much to each particular matter, and voting (and here was the rub) so much for each particular public servant's salary; and the Legislative Council rejected the measure very regularly. This is said to amount to a refusal of the Supplies by the House of Assembly, while in reality the rejection of them was the work direct and open of the Legislative Council (See page 15 *infra*). This quarrel of the items was not brought to a close for years, and the Province was kept in a continual combustion all the time; improvement of every sort was prevented by means of the Legislative Council, which refused to enact any laws until the House of Assembly should yield to the demands of the official party. At length a curious result followed which blew up this part of the official scheme. The accounts of the Receiver-General being refused to the House of Assembly, by three successive Governors, the House of Assembly said, "we will bring this matter to issue. The Receiver-General ought to have in his chest a large sum of money; we will vote no taxes, and the Governor may draw upon the Receiver-General." The Governor, thus driven, did draw upon the Receiver-General. This man had been shielded by the Colonial Office, and by the official party for years. He had made frequent journeys to England in order to stave off inquiry: at length there could be no more delay, and he was found to have taken from the treasury of the people 100,000*l*. He was bankrupt. This officer is appointed by the Crown; he was a member of the very Legislative Council which declared so many fine things about the prerogatives of the King, and expressed such dreadful horror at the very thought of infringing them. Horror, indeed!—yes, and for a very good reason. The horror was in this case a horror of bankruptcy, and in the others, horror of curtailed emoluments. You can generally reduce this amiable loyalty to so many pounds, shillings, and pence.

Oh! but says some one, this is an old story. So it is; and the more the shame. The man remained for years a member of the Legislative Council, deciding upon the laws and fortunes of the people after his bankruptcy, and had not the decency to retire till compelled by the Government; and they never dreamed of bidding him to cease to be a legislator till the Assembly began their attacks upon the constitution of the Legislative Council. Further, the money he purloined, has not been repaid. Thus the people have been robbed, refused redress, and are now being cursed with the horrors of civil war because they desired to improve this corrupt and detestable system.

After this exemplification of the exquisite system of voting round

sums without accounts, no man dared any longer to stand up for the plan, so another was tried, or rather two others.

First, the sources of revenue in Canada were divided into two parts, one was deemed Crown revenue, and therefore far too sacred to be subjected to the prying eyes of the people's representatives, though not so sacred as to be free from peculation by the Crown servants. The second part was supposed to be of less holy pretensions, and into this the House of Assembly was allowed to inquire.

The next part of the plan was to get a permanent Civil List,—when I say permanent, it was asked for the life of the Sovereign at first, and then a term of years was proposed*. To both of these schemes the House of Assembly objected; they said first, that all the revenues were derived from the people, and therefore ought to be inspected by the Assembly; and next, that they could not permit it to be thought that any Civil List would be granted by them for any term of years, or for the life of the Sovereign, as they deemed such a provision improvident, and wholly unsuited to the situation of their country. This last opinion of the House of Assembly has, within a few days past, received the sanction of Lord Brougham, who has wisely and forcibly exposed the mischiefs likely to arise from the improvidence of Parliament in granting a Civil List for the life of the Queen. Moreover the case of Canada is yet more marked; they have no Mutiny Bill, and few estimates beyond their civil expenses. If they were to grant these last for a term of years, what would be their security for the calling together of their Parliament? Besides, in a country in which change is the natural condition of the people—rapid and extraordinary change,—requiring new laws and new provisions every day, a fixed expenditure would only be the work of folly or knavery; which power presided over the proposal made by the Canadian Executive I leave my countrymen to determine.

The first part of the scheme was nominally given up to the House in the year 1831. It was pretended to subject the whole revenue to the power of the House of Assembly; it turned out, however, that this even was a pretence. The *nett* revenue only was subject to them, thus leaving all the peculation arising out of the levying the various reserved revenues still beyond control or punishment.

To the other part of the scheme the Government pertinaciously adhered, and still adheres,—a Civil List composed of the Judges, the Governor, his Secretary, and the Attorney and Solicitor-General, was demanded for the life of the Sovereign; and this demand the Assembly refused. But they always offered, and were ready to grant, a yearly Civil List. They have, in reality, never refused the Supplies; the

* I will show hereafter that this very scheme now being tried upon the Canadians was the real cause of quarrel between England and the present United States. The two quarrels are in every particular strangely similar.

refusal has always come from the Legislative Council, who have regularly thrown out the money bills not to their liking. While these various disputes were going on, the House of Assembly became more experienced in the working of their institutions, and they found that not only did the official party derive their whole defensive strength from the Legislative Council, but that through that body they also had great offensive powers of mischief. They stood in the way of every improvement; they, out of mere spite, and in revenge for the refusal of the House of Assembly to grant the demands of the officials, put an end to all useful legislation. They supported every governor that came out in all his oppressive acts, and were for a long time actually his executive Council, for the members of one body were also members of the other. They thus contrived to direct the whole conduct of the Governor, and to shield it by the authority of one of the legislative bodies.

The Assembly grew wise by degrees, and demanded reforms according to the experience of the day. They did not rush headlong after change, but sought that remedy which, with the least alteration in the institutions, would effect their purposes. They directed their attention to the Legislative Council, and prayed the home Government to alter merely its composition; they said, as then constituted, it did not harmonize with the feelings of the country—that it represented no interests —that the persons who composed it were old officials, without even wealth to give them power in the country—that they were irresponsible because appointed for life; and they also said, that the pure administration of justice required that the Judges should not form part of this political body. In all this a Committee of the old unreformed Parliament, in 1828, agreed, and the Government promised solemnly to alter the composition of that body.

I assert, and the Canadian people assert, that this promise was never kept. Lord Stanley endeavoured to show that he had put certain persons—actually Canadians—into the Council; but he did not show, for he could not, that the majority was not precisely the same as before; he could not show that their spirit was changed, or that they ever were made to harmonize with the feelings of the people. Now, as before, they oppose themselves to all useful legislation, and have done their utmost to retard the education of the people as well as the amelioration of their laws.

Another grievance of which the House of Assembly complained, was the use of their money without their consent by Lord Dalhousie; they said that the Imperial Parliament had given them the sole right of applying the revenues of the country—that they had, for reasons which to them seemed good, refused permanent supplies, (viz. because accounts were

refused,) and that thereupon the Governor had taken the money in their treasury, and applied it without their consent or sanction*.

The old unreformed Parliament also allowed this complaint to be valid. They severely blamed Lord Dalhousie, and most solemnly sanctioned the right thus exercised by the Canadian House of Assembly. I desire distinctly to know if these facts are denied?

When, in 1828, the Committee of the House of Commons made their Report upon Canadian affairs, there was but one feeling among the people. Let the Colonial Office act in the spirit of the Resolutions of the Committee and we shall be satisfied. The Colonial Office did no such thing. Every old abuse was left untouched, and I myself, while in Parliament, brought under the notice of the Government and the House repeated instances of malversation, and disgraceful practices on the part of the Canadian functionaries; all of them continuations of the old system, under the Whig administration.

I desire to know, if my charges against Mr. Felton were, or were not true. What were they? Why, that for years he had been guilty of the most glaring malversation in the settlement of the lands of the country†. This person was also a member of the Legislative Council. That body shielded him. They declared that the officers of the Crown were not, and ought not to be subject to the supervision of the House of Assembly. They asserted that the wild lands were the domains of the Crown, and that the officers appointed to superintend its settlement ought only to be answerable to the Crown. I am willing to let the whole question rest upon this one instance. Was not Mr. Felton sheltered to the very last year—was not every attempt to bring him to account and trial treated as an infringement of the royal prerogative? The Assembly said, it was impossible for any one to have a greater interest than they in the due administration of the wild lands: that no one could so well superintend the officers appointed to arrange the distribution and settlement of these lands: that they were on the spot, instructed in the capabilities and the wants of the country: and they complained that the resources of the people were wasted, that corruption was rife, and that all improvement was checked by the irresponsibility of these officers. Have not all these things been found true? Has not the truth of the charges of the Assembly against this Mr. Felton been found so undeniable, that at length when revolt was at hand, and not before, the Government could perceive and punish it?

Suppose the House of Commons solemnly to have passed almost unanimously grave charges against a judge, to have in fact convicted him of

* Remember that in every case the real refusal of the Supplies came from the Legislative Council. They have been voted annually it is true. That annual vote has been refused, and the money taken without the sanction of law.

† See page 16 below.

notorious drunkenness even on the bench—suppose that they had convicted another of corrupt and arbitrary practices—also that they had charged a sheriff* of gross neglect of his duty, so that prisoners died in gaol from neglect—what should we say to the Executive, if it said, "You are a party, a factious party†, we cannot believe what you say, so we will send to these men, and ask them what they have to say for themselves?" You would say, that such proceeding was a mockery and insult—that justice would be denied, and the people's representatives set at nought, if the simple explanation and word of the accused party was all that was required. So it has turned out. The drunkard and the corrupt and arbitrary judge are still on the bench, and after long delay, and every possible shift and contrivance, the sheriff has been mildly dismissed. Instance after instance of this sort arises, and in every case the Legislative Council steps in and protects the offenders. Every corrupt servant finds in them support, and every improvement opposition.

Such was the state of things in 1830, when the Whigs came into office. In consequence of the Committee of 1828, expectations were entertained in Canada that justice would speedily be done; and these expectations were raised to a pitch almost of certainty, when it was known that a liberal Ministry had come into office. The conduct of Lord Goodrich encouraged this idea, and at length when Lord (then Mr. Stanley) was made Colonial Minister, the colonists remained no longer in doubt that the right remedy would be immediately applied. This peculiar and high-wrought expectation respecting Mr. Stanley was created by his conduct when in opposition. He had declared himself hostile to the Legislative Council—he had called it a mischievous screen—he had recommended the people of Upper Canada to refuse the supplies, and now he had the power to remedy the evil which he had so emphatically signalized. Did he recollect in the day of his power the counsel that he had given the people—did he take pains to satisfy the wishes that his own language had raised? No, not he. He showed—what all his party one after the other has shown—that their declarations of principles out of office are not those which they hold when in power. He has proved that he, like other Whigs, (for he was once a Whig) made the discontent of the people a stepping-stone to place. A turbulent patrician excluded from dominion, he called the plebeians to his aid by pretended sympathy with their wrongs. The words he uttered spoke

* In Canada the sheriff is an officer appointed for life, with a salary.

† One of the grievances of the Canadians is that they have no means of trying the judges for misconduct. This misconduct has at various times been proved, but still every demand for a tribunal before which to impeach them has been carefully refused. The judges are appointed during pleasure, and the Crown wants to withdraw them utterly from all responsibility to the House of Assembly, by rendering their salaries permanent. Thus throwing them utterly at the mercy of the Executive, what sort of justice would such men administer? And yet we are daily told that the Canadians have no real grievances—a corrupt administration of justice is a trifle.

not his true sentiments, but were those which suited the purpose of the moment: he truly was a factious demagogue. Truth, good government, and the people's well-being he held of little account. The paltry purposes of a vulgar ambition alone moved his spirif, and the means he employed to gratify this paltry passion were worthy of the end. To gain popularity, at the expense of party opponents, he scrupled not to give advice and to express opinions, which since his accession to office he has not simply repudiated, but condemned as factious and seditious. What to him was the misery and the ruin that might follow his counsel, so that his own purpose was served? He might indeed contribute his quota to the raising of a civil war, but in return he became a great party leader, and stood before the world in the borrowed plumes of a liberal and enlightened statesman.

My next letter shall contain a summary of the Canadian grievances, as complained of at this period, a statement of the Government's conduct respecting them, and a history of the proceedings of the House of Assembly consequent upon that conduct.

J. A. R.

LORD STANLEY'S OPINIONS IN 1828 AND 1829 OF THE LEGISLATIVE AND EXECUTIVE COUNCILS, AND HIS RECOMMENDATION OF A REFUSAL TO GRANT SUPPLIES TO THE CROWN.

The Legislative Council were ranged on the side of the Government to oppress the people, and in raising those feelings of discontent which led them to make war upon each other. *The Legislative Council he was fully satisfied was the root of all the evils which had oppressed that country for the last ten or fifteen years.* These complaints were not of squabbles which sprung up on the moment, but of evils of long standing.—(*Speech on Canada, May 2nd*, 1828.)

He considered that the Legislative Council was that institution which especially required revision and alteration. *They acted as a paltry and impotent screen for the protection of the Governor. In all instances they were opposed to the people*, and were placed as a substitute for an Aristocracy, without possessing the qualifications of an Aristocracy according to our notions of that body in England,—imposing salutary checks, and exercising a judicious vigilance over the councils of the country.—(*Speech on the 2nd May*, 1828.)

How ill that Council performed its duty, the papers before the House sufficiently prove. *The members of the Legislative Council on every occasion enrolled themselves on the side of Government, and opposed themselves to the people.* They neither repelled the people on the one side, nor impelled the Executive on the other; but while they enabled the one to maintain a war against the other, they stood as a sort of mark between both, and served but to keep up a continued system of jarring and contention between the Government and the people. This Council, then, *is the root of all the evils which have taken place in the administration of the Colonies for the last ten or fifteen years;* and this is that colonial institution which above all others wants alteration and revision.—(*Speech of Lord Stanley on Canadian affairs, 5th June*, 1829.)

It was in vain to attempt to carry on the Government in the Colonies in a proper manner, if all the orders were issued by the Government at home,

and were supported, without reference to circumstances, by the Legislative Council, *who often acted in opposition to the wishes of the colonists, expressed as they only could be expressed through the House of Assembly. If the Government meant to maintain their sway over the country, they must do it through the will of the people.* It was to be hoped that the right honourable gentlemen would not attempt to force an Aristocracy in the form of a Legislative Council upon a state where there are no natural materials for its existence.—(*Speech of 5th June*, 1829.)

Mr. Stanley, in a letter dated 24th April, 1829, in answer to a communication from Mr. Baldwin, containing certain resolutions of a liberal meeting at York, Upper Canada, makes use of the following very remarkable expressions: remarkable because he has since said the direct contrary, and has aided in punishing the Lower Canadians for acting upon his own express advice:—

Upon the subject of the constitution of the Legislative Council, (*which I do not hesitate to say, without any disrespect to, or reflection upon, the individuals who compose it, is at the root of all the evils complained of in* BOTH *provinces*)—upon the exclusion of the judges with the single exception of the Chief Justice, from all interference in political business—and upon the necessity of introducing some alteration into the present jury system—the three most important points of your petition, you will find that the opinion of the Committee entirely concurs with yours, and that opinion I am disposed to support to the utmost of my power.

On the last, and one of the most important topics, namely, the appointment of a local ministry, subject to removal or impeachment when they lose the confidence of the people, I conceive there would be great difficulty in arranging such a plan—nor are the wishes of the petitioners very clearly expressed—for in point of fact the remedy is not one of enactment but of practice—*and a constitutional mode is open to the people, for addressing for a removal of advisers of the Crown, and refusing supplies, if necessary, to enforce their wishes.* I do however think that something might be done with great advantage, *to give a more really responsible character to the Executive Council, which at present is a perfectly irresponsible body, hardly recognised by the Constitution, and effective chiefly as a source of patronage.*

"THE RESOLUTIONS" PROPOSED BY LORD JOHN RUSSELL AND CARRIED IN THE LAST PARLIAMENT.

1.—That, since the 31st day of October, in the year 1832, no provision has been made by the Legislature of the province of Lower Canada, for defraying the charges of the administration of justice, and for the support of the Civil Government within the said province, and that on the 10th day of April, 1837, there was required for defraying in full the charges aforesaid to that day, the sum of 142,160*l.* 14*s.* 6*d.*

[Nearly three years arrears were occasioned by the sending out of Commissioners to report upon the affairs of Canada, whose instructions excluded the proposal of the reforms suggested by the House of Assembly.]

2.—That at a Session of the Legislature of Lower Canada, holden at the city of Quebec, in the said province, in the months of September and

October, 1836, the Governor of the said province, in compliance with his Majesty's commands, recommended to the attention of the House of Assembly thereof the estimates for the current year, and also the accounts, showing the arrears due in respect of the Civil Government, and signified to the said House his Majesty's confidence that they would accede to the application which he had been commanded to renew for payment of the arrears due on account of the public service, and for the funds necessary to carry on the Civil Government of the province.

3.—That the said House of Assembly, on the 3rd day of October, 1836, by an Address to the Governor of the said province, declined to vote a Supply for the purposes aforesaid, and by the said Address, after referring to a former Address of the said House to the Governor of the said province, declared that the said House persisted, amongst other things, in the demand of an elective Legislative Council, and in demanding the repeal of a certain Act passed by the Parliament of the United Kingdom in favour of the North American Land Company; and by the said Address the said House of Assembly further adverted to the demand made by that House of the free exercise of its control over all the branches of the Executive Government; and by the said Address the said House of Assembly further declared, "That it was incumbent on them, in the present conjuncture, to adjourn their deliberations until his Majesty's Government should by its Acts, especially by rendering the second branch of the Legislature conformable to the wishes and wants of the people, have commenced the great work of justice and reform, and created a confidence which alone could crown it with success."

4.—That *in the existing state* of Lower Canada, it is unadvisable to make the Legislative Council of that province an elective body; *but that it is expedient that measures be adopted for securing to that branch of the Legislature a greater degree of public confidence.*

[There were five divisions upon this resolution: 318 to 56; 287 to 39; 176 to 14; 164 to 18; 144 to 16.]

5.—That *while it is expedient to improve* the composition of the Executive Council in Lower Canada, it is unadvisable to subject it to the responsibility demanded by the House of Assembly of that province.

[This resolution was carried by 269 to 45.]

6.—That the legal title of the North American Land Company to the land holden by the said Company, by virtue of a grant from his Majesty, under the public seal of the said province, and to the privileges conferred on the said Company by the Act for that purpose made in the fourth year of his Majesty's reign, ought to be maintained inviolate.

[This resolution was passed in order to condemn a vote of the House of Assembly, declaring that the title to lands conveyed by the

British American Land Company was invalid. This Company, through a *private* Act of Parliament, possesses an extensive track of land in Lower Canada. The Bill for this purpose was jobbed through the House of Commons, and it has never been ascertained who, except Mr. P. Stewart, M.P., agent for Tobago, a director of the Company, and Mr. Robinson, M.P., another director of the Company, were members of the Committee to whom it was referred. In justification of the conduct of the House of Assembly of Lower Canada, it ought to be remembered that the House of Assembly of Upper Canada resolved, in the last Parliament, that the grant of lands in Upper Canada made to the Canada Land Company was "an improvident transaction, unsanctioned by any domestic enactment, and ought to be held *invalid*, particularly as it was a transaction based in no degree upon the good of the colony, whose lands were thus wastefully assigned—the charter and all the statutes connected with it are a violation of the 18th Geo. III., and of our Constitutional Act." The Upper Canadians are equally open to a charge of hostility to British emigrants as the Lower Canadians.]

7.—That it is expedient that so soon as provision shall have been made by law, to be passed by the Legislature of the said province of Lower Canada, for the discharge of lands therein from feudal dues and services, and for removing any doubts as to the incidents of the tenure of land in free and common soccage in the said province, a certain Act made and passed in the sixth year of the reign of his late Majesty King George IV., commonly called "The Canada Tenures Act;" and so much of another Act passed in the third year of his said late Majesty's reign, commonly called "The Canada Trade Act," as relates to the tenures of land in the said province, should be repealed; saving, nevertheless, to all persons, all rights in them vested under or by virtue of the said recited Acts.

[An amendment, "That it is expedient at once to repeal a certain Act made and passed in the sixth year of the reign of his late Majesty King George IV., commonly called 'The Canada Tenures Act,' and so much of another of the Acts passed in the 3rd Geo. IV., commonly called 'The Canada Trade Act,' as relates to the tenures of land in the said province; saving, nevertheless, to all persons, all rights in them vested by virtue of the said recited Acts;" was lost by 73 to 14.]

8.—That for defraying the arrears due on account of the established and customary charges of the administration of justice and of the civil government of the said province, it is expedient that, after applying for that purpose such balance as shall, on the said 10th day of April, 1837, be in the hands of the Receiver-General of the said province, arising from his Majesty's hereditary, territorial, and casual revenues, the Go-

vernor of the said province be empowered to issue from and out of any other part of his Majesty's revenues in the hands of the Receiver-General of the said province such further sums as shall be necessary to effect the payment of the before-mentioned sum of 142,160*l.* 14*s.* 6*d.*

[An amendment of this resolution was proposed, " That the House of Assembly of Lower Canada, by withholding the supplies necessary to carry on the government, have adopted the only constitutional means of obtaining a remedy for their complaints, the reasonableness of which this House has recognised by affirming the fourth and fifth resolutions ; and it is therefore expedient to await the result of the plan about to be proposed by his Majesty's Government, for redressing the grievances complained of by the Canadian Parliament." It was lost by 118 to 32.]

9.—That it is expedient that his Majesty be authorised to place at the disposal of the Legislature of the said province the net proceeds of his Majesty's hereditary, territorial, and casual revenue, arising within the same, in case the said Legislature shall see fit to grant to his Majesty a Civil List for defraying the necessary charges of the administration of justice, and for the maintenance and unavoidable expenses of certain of the principal officers of the civil government of the said province.

[The object of this resolution was to obtain from the Canadians a permanent Civil List, the effect of which would be, that the payment of the public officers of the province would no longer depend upon an annual vote of the Assembly, and the Assembly would lose its chief, indeed almost its only, power of control over the government. In England, the House of Commons grants a permanent Civil List, but the annual grants for the army, navy, &c., secure the dependance of the Government.]

10.—That great inconvenience has been sustained by his Majesty's subjects inhabiting the provinces of Lower Canada and Upper Canada from the want of some adequate means for regulating and adjusting questions respecting the trade and commerce of the said provinces, and divers other questions wherein the said provinces have a common interest ; and it is expedient that the Legislatures of the said provinces respectively be authorised to make provision for the joint regulation and adjustment of such their common interests.

When the above resolutions were reported to the House, Mr. Roebuck moved as amendments :—

1.—That many grievous disputes have for some years past arisen between the Executive Government and the House of Assembly of Lower Canada, in consequence of the constant efforts made on the part of the House of Assembly to render the public servants responsible to the representatives of the people, and of efforts, no less constant on the part of those servants, to avoid and ward off the threatened responsibility.

2.—That these disputes, and all their attendant evils, have been continued by means of the faulty structure of the present political Constitution of Lower Canada; which, as it contains a Legislative Council, responsible to no one for its conduct, has enabled interested parties to resist the just demands of the people of the province, without the fear of any evil consequences to themselves.

3.—That the House of Assembly, in their attempts to redress the grievances of the people, have thought fit to employ the constitutional power of stopping the supplies (which power was conferred upon them by an Act of the Imperial Parliament), and in so doing have proved their confidence in the doctrines set forth and maintained by this House, respecting the privileges and wholesome control to be exercised and enjoyed by the popular portion of the English Constitution.

4.—That the experience of the past-working of the Canadian Constitution having shown the necessity of an immediate revision of the statute 31st Geo. III., c. 31, in so far as respects those portions which relate to the Legislative Council, it is expedient that immediate measures be taken to remove the irresponsible body, in order to create one which may attain and deserve the confidence and respect of the people.

5.—That it is expedient at once and without subterfuge to place the whole revenues of the province under the controul of the House of Assembly.

6.—That all interference on the part of the Imperial Parliament in the internal affairs of this colony, are impolitic and contrary to the solemn and often reiterated declarations of the Imperial Parliament; it is, therefore, expedient at once to repeal all Acts passed in contravention of these solemn assertions, and thus to calm the just fears and allay the discontents arising from long-continued misgovernment in the Province of Lower Canada.

The amendments were rejected, and the original resolutions were reported to the House of Lords, who passed and confirmed them by a single vote, Lord Brougham alone resisting them! Their Lordships sympathised so deeply with the clerks, land-jobbers, and bankrupts who ape their dignity and office in the Legislative Council of Lower Canada, that they did not trouble themselves to decide upon each resolution separately, but voted them in a lump.

It should be remarked, that the 4th resolution proposed by Lord J. Russell, admits, that it is expedient to adopt measures to secure, to the Legislative Council, a greater degree of public confidence; and the 5th resolution admits, that it is expedient to improve the composition of the Executive Council. These two admissions include the most perfect justification of the Canadians, and never would have been made if the House of Assembly had not refused the supplies. They were forced admissions; but being made, it became the duty of the Government to

reform both the Councils, before they resolved to seize upon the revenues of the province. The justice of the complaints of the House of Assembly were admitted, and then the Constitution was violated and the national honour of the Canadians was insulted, upon account of constitutional measures having been pursued to obtain a recognition of great public grievances. The very vitality of a representative Constitution—its power to grant or to refuse supplies, to control the Government through its pecuniary necessities—was destroyed; while the conduct of the Canadian representatives was vindicated! There never was committed an act of more unjustifiable tyranny. The proceedings of this country towards America were trifling compared with it. The Canadians could never have predicted that the course their representatives had adopted would lead to the suspension of their Constitution; they did not know that "their charter was not a truth." The resolutions were in the nature of an *ex post facto* law—the infliction of punishment for the performance of an act, which at the time of its being done was legal, and was expressly sanctioned in the most solemn manner by the Constitution of the province.

The character of the contest into which the resolutions have involved the country cannot be more shortly tested than by this question—"Would Lord John Russell have dared to have proposed these resolutions to the House of Commons, or would Parliament have sanctioned them, if they had been introduced with a proposal to increase the army in Canada by 6000 or 7000 men, in order to enforce them by the bayonet upon the people?"

The course of tyranny has always been thus:—First comes a grievous violation of the feelings of the people, then discontent, then the employment of soldiers to massacre the discontented, then the imposition of additional taxation, then a general war, and then success upon the side of the insurgents accompanied with great loss of life, a highly exasperated state of feeling and a most extensive demoralisation of the character of the people; or success upon the part of the oppressors, accompanied with heavy public burthens, a large increase in the army, a perpetual military occupation of the country, and the murder, the slaughter, and the extermination of all the best, the bravest, the most noble and honourable of their opponents. And these events, or some of the most pitiable of them, are to happen in our contest with Canada, because a violent party in Montreal and Quebec, alone, choosing to call themselves English or Constitutionalists, exhibit the most unrestrained ferocity of spirit, because in the elections of 1834 they were in a minority! In 1834, Messrs. Berthelot, Caron, and Vanfelson, patriots, were returned for Quebec, and Messrs. Papineau, Nelson, Leslie, and Roy, also patriots, were returned for Montreal. The Government has taken the side of a small but noisy, bombastic, and clamorous party, simply upon account of their noise, bombast, and clamour. Not a single

act was ever proposed or suggested in the House of Assembly injurious to them, nor had they a single thing to complain of as an evil peculiar to themselves, except that being a minority they failed, as must be the case with all minorities, in electing members of the Provincial Parliament.

The real crime of the Canadians is, that they will not submit to be governed by an insolent and contemptible faction; a minority who would be powerless for bad purposes but for the countenance they receive from a herd of corrupt officials.

T. F.

WHITE SLAVERY,

OR, WHAT IS MEANT BY LOWER CANADA CLAIMING A RIGHT TO TAX UPPER CANADA BY IMPOSING A DUTY UPON EMIGRANTS?

In 1834, a committee was formed at Montreal, in Lower Canada, in order to report upon the condition of the emigrants to that country, and the following are extracts from the statement that was drawn up and published, under its direction, in most of the Canadian papers. A copy of the whole of the document is not in the hands of the Editors, but the portion of it that is printed below, is re-printed from a paper which was circulated in this country by Mr. Falconer, in the year 1835. There is no perversion or alteration of any of the facts of the original paper, and none of them, however appalling, were attempted to be contradicted in Lower Canada, where the whole Report met with the approval of all but land jobbers. These persons justly believed that it was the forerunner of changes, which would injure their trade, and they expressed the same alarm at its effects, as has been constantly expressed by West India planters at the stoppage of the African slave trade.

The taxation of emigrants is a measure that has for some time been adopted in America, and it is the proposals of the Provincial Parliament of Lower Canada to the same effect, that have been called, as they were in 'The Morning Chronicle' of December 28, 1837, an attempt "to tax the Upper Canadians," and sometimes "an exhibition of hatred of the English, and an endeavour to ruin the English settlers in Upper Canada." The tax is most judiciously applied for the benefit of settlers.

With what justice the humane attempts of the House of Assembly of Lower Canada to regulate emigration have been censured, the Report below will most sufficiently show. The kind spirit that it exhibits, the attention that its demands for the comfort of the British emigrant and the important service that it rendered, are most painful replies to the murderous instigations that are now being excited among the English people against the Canadians.

The Report was made in 1834, and one of the first acts of the Tories,

in the Parliament of 1835, was to bring in a Bill to correct some of the evils that it points out. In order to assist legislation upon the subject, the American Act, regulating emigration, was laid upon the table of the House of Commons, and afterwards printed. The evils were of crying magnitude, and it was impossible to prevent some measure to correct them. But if the Imperial Parliament interfered, and by so doing to some extent checked the inhuman mode of emigration that prevailed, is not the House of Assembly of Lower Canada entitled to the approbation of every friend of humanity for having made several, though in consequence of the resistance of the Legislative Council, unsuccessful attempts for the same purpose? Since the Imperial Parliament interfered, no Bill respecting emigration has been brought into the House of Assembly of Lower Canada. The censure of their proceedings upon the subject refers to what they humanely endeavoured to accomplish, before the interference of the British Parliament. If the Legislative Council had represented the people as the House of Assembly did, the whole system would long since have been put upon a satisfactory footing, and the lives of hundreds of English settlers would have been preserved. But the Legislative Council represented the jobbers and traders of Canada, and the barbarous spirit of commercial legislation was predominant.

Mr. Brown, who wrote and signed this Report, is now the general of the patriot forces in Canada. He is a person of great activity, great kindness, and of so benevolent a character, that nothing but what must to him the most urgent necessity, could have induced him to have been have appeared a party to a most lamentable and unfortunate civil war. Peltier is in confinement for high treason, and several others of the Canadian party, to whose kindness the English and Irish settlers are deeply indebted, are in a position of hostility to this country.

" Extracts from ' The Report of the Special Sanitary Committee of Montreal, (L. C.) upon Cholera and Emigration for the year 1834.' Every word of this report is deserving of the greatest attention, and should be read again and again. Those who are interested in the welfare and education of the blacks will find, if they will but inquire, that whites, and men born in their own country, and nourished upon the same soil with themselves, are exposed to evils which scenes in the West Indies can alone parallel.

" That the Emigrant Society was possessed of no funds; and that there was in the sheds, near the cholera hospital, a number of emigrants destined for Upper Canada, who were unable to proceed for the want of pecuniary means; and as this number was daily increasing by arrivals from Quebec, the forwarding of emigrants became a sanitary measure of the first importance, not only to the province at large, but to the

emigrants themselves, who by accumulating, in a destitute condition, in the midst of an epidemic, gave new strength to its violence, and became themselves the victims. A meeting was therefore called by the Emigrant Society, at which your Committee was requested to attend: and as that society was in possession of no funds, they acceded to an offer made by your Committee, who took upon themselves, but entirely as a sanitary measure, the charge of forwarding poor emigrants. From that day to the close of the season, 4152 poor emigrants have been relieved by your Committee, of whom 3783 have been forwarded towards their place of destination, and furnished with provisions for their journey, at its expense and under its control.

"In the midst of circumstances so appalling, so unforeseen, and so totally unprovided for, which then spread desolation and death through the district of Montreal, did the individuals composing your Committee, though clothed with no legal power, and though furnished with no funds, feel the responsibility imposed upon them, and enter with promptitude upon the discharge of their obligations, for which preparations should of right have been previously made.

"Common avarice, and the desire of gain prevailing over every other consideration, have led many captains, owners, and agents of worthless old vessels, more particularly in the seaport towns of Ireland, into a most horrible traffic in human life, that should be immediately arrested by the urgent voice of humanity and the strong hand of power. In the endeavour to make a profitable voyage, by the embarkation of the greatest number of passengers, no expedient for deception appears to them too shameful—and the old hulk is announced to sail on a certain day, with a penalty of loss of passage to such as have paid, and are not in readiness. by an advertisement which transforms her into a fine fast sailing first class ship of double her real register measurement*.

"The poor who in many parts of Ireland possibly find little in their present condition or future prospects to bind them to the place of their nativity, and who frequently know little of the nature of a sea voyage, seize upon these opportunities of cheap conveyance and promise of extensive accommodations, to expatriate themselves and join the friends who report informs them have risen to a superior station in the land of their adoption. They are assured that it is only necessary to provide the price of a passage and six weeks' provisions, because the vessel never made a longer voyage, and that when once landed in Quebec, if other means fail, there are societies for the express purpose of forwarding them to their places of destination. The day fixed for the vessel's departure arrives, and the unfortunate emigrant comes with his family

* "Brigs of about 200 tons are constantly advertised in large placards publicly, posted as vessels of 500 tons, and ships of about 400 tons as vessels of from 800 to 1000 tons. Many of these leaky old ships make several feet of water on the passage by which the provisions of the passengers have been in part destroyed.

from the interior, to be in readiness to embark; but the number of passengers engaged is perhaps not sufficient to satisfy the cupidity of the agent of the vessel or others concerned. Her departure is sometimes delayed for weeks, during all which time the poor emigrant is obliged to subsist upon his sea-stores, happy if the temptations to extravagance and expense so common in seaport towns do not lead him to dissipate the little pecuniary means that are still left to him.

" At last the vessel sails. The passage by these ill-found slow sailers is frequently seven, eight, nine, or even more weeks; and the unlucky emigrant who finds himself out of provisions is forced to buy at a high price from the Captain; but too often his means are so limited that he can only procure for himself and family what is absolutely necessary to prevent their dying of hunger*. They then become feeble from exhaustion, and being forced to remain in a place crowded with passengers and cumbered by berths, in an atmosphere poisonous and corrupted, they are inevitably rendered liable to contract, to propagate, and to be sacrificed to any prevailing malady, whether indigenous to the country or brought to it by themselves†.

" Without entering into the detail of stating the precise number that may have been crowded in any one particular vessel, it is a constant occurrence that the number of passengers exceed much that which should be allowed to the vessel, according to her register, or to a regard to the health, the convenience, or the comfort of these passengers‡.

" Fifteen years ago, when imperative circumstances compelled the United States to take this subject into consideration, a law was passed limiting the number of passengers by each vessel to two for every five

* Complaints about the quality of water were very general. It was often bad, blue, and unserviceable, owing probably to having been inconsiderately filled into foul casks. A deficiency of quantity on board often compelled the people to use the river water where it was brackish and unwholesome. The allowance to children is far too small. *Mothers were frequently seen going from berth to berth occupied by grown people to beg a little to stop the cries of their families.*

† " A great number of deaths occur on board of emigrant vessels on their passage; but they are principally old people and children, who are least capable of enduring the sufferings to which all are subjected. A dialogue like the following occurred daily at the Emigrant Office:—' Was there sickness on board of your vessel?' ' None.'—' Any deaths?' ' No, none.'—' No deaths!' ' Oh, *only* two old people and *some little children.*' "

‡ " The Thomas Gelstone, from Londonderry, and Stirling Castle, from Islay, are specimens; the former a ship of 440 tons, and nearly 500 passengers; the latter of 340 tons, and 368 passengers. Both these vessels had berths down the centre, with a passage between of only two or three feet. *Whole families of eight or ten souls were lodged in a berth, where they were obliged to eat, having no room elsewhere.* The stench and foul air were described as intolerable. A great number of deaths occurred among the passengers by these vessels before they reached Upper Canada. Like passengers from a crowded steamboat they seldom survived an attack of cholera."

tons, and providing also for their sustenance*. The effect of this simple law has been such, that *we never hear of suffering or misery among the emigrants who disembark at the American ports*, while the emaciated condition of thousands who land upon our shores, especially the women and children, must, to all who are acquainted with the robust constitutions of the natives of the British Isles, be daily evidence of the hardships to which they have been subjected.

" So great is the amount of tonnage now employed in the Canada trade, that, though the number of passengers was even limited to one for every six tons, there would be still sufficient to transport a greater number of emigrants than have arrived at Quebec in either of the two past years.

" If we consider that the present unrestrained system of emigration will have the effect of turning from the route of the St. Lawrence every emigrant in easy circumstances, who will carry to a neighbouring country the capital and the enterprise that would make even his transit through the province a source of profit to ourselves—if we consider that this route is the most direct from the British Isles to the centre of the American continent; that it is annually becoming more economical and more expeditious, by means of improvements in internal navigation; and that it must continue to be advantageous so long as the forests and the fields of Canada continue to furnish valuable return cargoes to an immense quantity of British shipping, it becomes an object of high importance to secure to ourselves the advantages that can be derived from emigration, without exposing ourselves to its disastrous abuses.

" In the opinion of your committee, a simple law for regulating the number of passengers that each vessel should be allowed to bring, and for compelling the ship to provide a full allowance of provisions, would produce the desired effect; and this law, rigorously enforced, might also determine a point at present much controverted in this country, namely, whether emigration is or is not the first cause and promoter of an epidemic that has in the years 1832 and 1834 (1833 having been the only season during which the emigrant tax was in full operation)†, carried off nearly one-tenth of the population of this province; that has impeded, and, in a measure, destroyed our internal trade; that has depreciated the value of all fixed property; and that would, by its

* " By the American law the ship is compelled, under heavy penalties, to have on board, over and above what may be provided by the passengers, one hundred pounds of salted provisions, one hundred pounds of ship bread, sixty gallons of water, and one gallon of vinegar for each and every passenger. The number of passengers is also restricted under heavy penalties to two for every five tons of measurement."

† " The emigrant tax of five shillings a head was generally paid by the emigrants to the agents of the vessels, and but very few got anything back again, although they discovered, on landing in Canada, that it was not demanded of the captain."

recurrence, prove the total ruin of commercial transactions; or, at least, so impair the necessary confidence between merchant and merchant, that men of capital or prudence would scarcely venture to embark in extensive operations.

" The advantage of an emigration which brings capital, enterprise, and industry to a new country abounding in vacant land, and deficient in labourers, has been too generally admitted to be anywhere questioned; but your Committee must, nevertheless, remark that the ill-directed emigration to Lower Canada is not always of this advantageous character. There is too much reason for believing that the affluent*, to rid themselves of needy dependants, and parishes, to rid themselves of superabundant paupers†, have, with an unfeeling indifference exceedingly to be deprecated, sent paupers, widows, and even orphans, to be landed destitute upon our shores, whereby they have iniquitously, or, at least, inconsiderately, thrown upon the sympathy of his Majesty's subjects in Lower Canada, a charge that the law of nature and the laws of their own country compelled them to support. Of 153,000 emigrants who have landed in Quebec since 1831, more than 30,000, or one-fifth of the whole, have applied for assistance out of public funds at the Emigrant Office in this city alone, while a more direct tax, most enormous in amount, is daily levied by the constant demands upon private charity.

" The appointment of emigrant agents both in the United Kingdom and in this province, appears to have been productive of little benefit, *either from the want of authority, the want of industry, or the want of capacity of the persons so appointed,* while their salaries might have been devoted to better purposes.

" While your Committee were occupied in forwarding the greatest number of indigent emigrants, when the epidemic was raging with its utmost fury, they only learned in the public papers of the arrival in this city of him who styles himself ' his Majesty's Chief Agent for Emigrants;' but *they have never had the honour of seeing him at the Emigrant Office, nor have they had the advantage of knowing, or of hearing, what services he may have rendered to distressed emigrants.*

* " To instance a case. Kearney Fitzpatrick, with his wife, seven children, his nephew, and his niece, eleven in all, just landed from the steamboat, were sitting on a log near the canal, not knowing what to do with themselves, when they were recognized by a gentleman who had just arrived in the Kelsic Wood, from Liverpool. This gentleman had seen the whole family sitting by the road side in Queen's County, Ireland, about three months previous, in an equally hopeless condition, and corroborated their story. *Fitzpatrick had been turned out of his land by Lady Ossory; and her agent, to be relieved from the charge of such a large family,* sent them to Dublin, and paid twelve pounds for their passage to Quebec, assuring them that they would find immediate support on landing."

† " Instances came to the knowledge of the Committee of pauper lads coming out with families that applied for relief, the head of the family having received from three to five pounds each from the parish for bringing them."

"The Quarantine Station at Grosse Isle is another subject to which your Committee is desirous of directing your attention. Whether the law is defective or too imperative, or whether its execution has been confided to inefficient hands, are questions upon which your Committee do not decide; but they must observe, upon authentic information, that too many of the vessels arriving at the island in perfect health, lost a number of passengers by the prevailing epidemic during the time of their detention*. The sheds erected there do not in size or structure appear to have been intended for the protection of human beings. Indeed, the emigrant possessed of self-respect often preferred remaining on the bare rock, exposed to the inclemency of the weather, rather than sleep among the congregated hundreds under the sheds, lest he should thereby hasten the approach of a disease that was hurrying, on every side, his fellow-passengers to eternity.

"The detention of passengers, for several weeks, when sickness has appeared among them, may have been prudent and commendable; but the prices of provisions at the island appear to have exceeded the usual price in our markets to a degree that should not have been permitted; inasmuch as the detention of individuals was a forcible detention, adopted with a view to preventing the introduction of disease into the country, and therefore the station should not have been converted into a field of monopoly and unwarrantable speculation.

"Your Committee are compelled to remark, that they have been under the necessity of assisting many families, who, but for their long detention at Grosse Isle, and consequent expenditure of means, would have required no relief in passing through the province†.

"Whether the Quarantine Act now in force has been properly executed or not, your Committee is of opinion that it should be revised, and that an investigation should be instituted upon its execution at Grosse Isle during the present season. This revision and investigation would give

* "As examples, the William, Herdsman, with 300 or more passengers, was several days at quarantine before sickness appeared among them. She was then detained about a month, during which time 40 or 50 died. From the Conference, ordered back after leaving the island, 19 died. The passengers of the Aurelia, about 350 in number, were also ordered back, after having been discharged from quarantine, and confined in a shed, imprisoned by the river on one side, and by bayonets on the other. From this Black Hole a daily draft was made for the hospital, until from 70 to 100 had disappeared. Scarce one entire family appears to have escaped. Several families presented themselves at the Emigrant Office who had lost four or five of their members. To use the language of a passenger, '*They were sent convenient to the hospital to see if any of them would take the sickness.*'"

† "Some were compelled to sell their clothes, even to coat and shoes, to enable them to purchase provisions. The clothes of many were seized by the captains of the steamboats for the fare from Quebec; but they were generally delivered back when it was discovered that the people were really pennyless. Whole families, for want of money, walked from Quebec, at a time when competition had reduced the fare by steamboat to two shillings and sixpence."

the Legislature of this Province an opportunity of basing a Quarantine Law upon practical experience.

"A new Quarantine Act, with a law fixing the number of passengers in vessels from beyond sea, in the manner already recommended, would prove measures of great advantage to the province and adjacent countries. The provisions of this law should extend to the whole province. The fatal effects that have frequently occurred from crowding the boats and barges employed in the navigation to Upper Canada, may require some regulations for limiting the number of passengers.

F. Souligny,
T. S. Brown,
Toussaint Peltier,
Francois Desautels,
" Montreal, Dec. 15, 1834. James Duncan Gibb."

THE PATRIOTISM OF CANADIAN LADIES.

The following paragraph was published in a paper in Montreal, soon after th news of the passing of Lord John Russell's resolutions by the House of Lords. It relates to a determination of the Canadians not to consume taxed articles:—

" *Honour to our Patriotic Ladies.*—We are highly gratified in being able to announce that the beauty and fashion of our city are about to exercise their powerful influence in encouraging the use of home-made stuffs. To Madame Toussaint Peltier, and Madame Lafontaine, belongs the honour of being the first in giving so praiseworthy an example. These patriotic ladies were noticed yesterday, *en promenade*, with robes of *etoffe du pays*, of an exquisite pattern and most fashionable *mode*, the appearance of which elicited the highest praise from all who saw them. These ladies wore at the same time *bottines* also of *etoffe du pays*, which certainly never looked so lovely as on their tapering, well-shaped and beautiful feet.

" When the ladies thus evince their determination to assist their brothers and husbands in the salvation of their country, and in defence of their rights, the defeat of Russell, Gosford, and Debartzch is more than probable."

The husband of this patriotic lady, Madame Toussaint Peltier, an advocate of Montreal, to whose kindness many a poor and sick British settler is indebted for his life, has been seized by the Government officials for high treason. If he does not perish under the mockery of law, the caprice of military men, called martial law, he will probably be murdered with a mockery of justice, under the sanction of the verdict of a packed jury. Owing to the conduct of the Legislative Council,

the jury law in force in Lower Canada is the mere will of the sheriff, and the lives of the Canadians are as unsafe in their own homes as in the field. Should Mr. Peltier be executed, there will follow the confiscation of his lands and goods, and the entire ruin and beggary of his family. This case will be one of thousands. How shameful it was in you, Lord John Russell, to drive a gallant nation into resistance, and to become the author of the most terrible calamities that can afflict a country! You and your subservient followers in the House of Commons will, no doubt, suspend the representative government of Canada, and in doing so, will make it an act of treason for any man to express his desire to see the end of the military despotism that you will establish; but how long do you expect that the English people will permit themselves to be held up to the scorn of America and of Europe?

T. F.

NO GRIEVANCE.

We are continually told that the Canadians have no practical grievances. Is it not a grievance to be compelled to build barracks for the troops of the mother country (who pretends to provide for the military protection of the province) out of the funds dedicated to the education of the people of the colony? What does the English reader think of the following statements?—

First Report of the Standing Committee on the Jesuits' Estates.

In conformity with the instruction of your Honourable House, of the 17th November last, "to ascertain the actual value of the College of the late Order of Jesuits, and the ground attached to it, and also the annual revenue which might now be derived from the said College and ground, and the average annual revenue which might have been derived from the same during each period of ten years between the present time and that at which they were first taken possession of by the military authorities," your Committee considered it their duty to establish:—

1st. The present value of the Jesuits' College and the ground thereunto attached; the annual revenue which they might yield to the province, used as the yare at present; and the annual revenue which they might have yielded since their occupation by the military authorities.

2nd. The value of the said College and ground, after making such alterations and improvements therein as they may be susceptible of, and the annual revenue which they might yield in that case.

In order to procure the most accurate information on this subject, and to communicate the same to your Honourable House, your Committee caused a plan of the property in question to be made, and this plan, together with the evidence given by experienced persons who have been consulted on this subject, accompany the present Report

From this evidence it appears to your Committee, that the value of the College as at present laid out for barracks, in consequence of its not being applicable to any other purpose, without a complete change in its interior distribution, would scarcely exceed 5000*l.*, including all the buildings attached to it.

The ground, which contains about 200,000 feet, French measure, valued at 3*s.* per foot, would now produce 30,000*l.*, making the value of the whole property 35,000*l.*, the interest of which, at 6 per cent., would amount to 2100*l.* per annum.

Assuming this sum as the average annual revenue of the Jesuits' College, since its entire occupation by the military authorities in 1800, it would follow that the province would be entitled to claim from the Government for thirty-five years' rent of that property, from the said period to the present, the sum of 73,500*l.*

Your Committee have moreover ascertained that this property might be greatly improved, the revenues thereof greatly increased, and the establishment of that central part of the city of Quebec promoted, by directing the commissioners to open new streets, and particularly one in continuation of Palace Street; to lay out the ground upon each street in building lots, and to divide the first story of the College, and let it for shops, reserving the whole of the second story, as well as the inner yard, for the purposes of a university, or other public institution.

According to the information obtained upon this head, your Committee are of opinion that seven shops fronting the Market-place might be let for 500*l.*; eight fronting upon the proposed street, which would run the whole length of the ground, for 250*l.*; six upon that part of the lot fronting on Fabrique Street, for 250*l.*; and four in the back part of the College, for 80*l.*: the whole amounting to 1250*l.* per annum, which, added to 150*l.*, the estimated rent of the Government stores, and to the interest of the sum arising from the sale of the vacant lots, amounting to 2100*l.*, would form an annual revenue of 3500*l.*

Your Committee next proceeded to take into consideration the Message of his Excellency the Governor-in-Chief, of the 13th November last, relating to the Jesuits' College; and they regret to find the same condition is always attached to the restoration of the Jesuits' College to the purposes for which it was originally intended; the more so as his Majesty's Government, in consideration of their having enjoyed up to the present time, free of expense, a property which they were aware did not belong to them, ought to erect new barracks for the troops out of the money which they ought to have paid to the province as rent, and thereby to give full effect to Lord Goderich's dispatch of the 7th July, 1831, which cheerfully and unreservedly entrusts to the Legislature the appropriation of all monies arising from the estates of the late Order of Jesuits, for the purposes of education.

* * * * * * *

16th Jan., 1836. R. J. Kimber, *Chairman.*

RETURN of all GRANTS of LAND, and other PUBLIC PROPERTY, made to the MEMBERS of the LEGISLATIVE COUNCIL of Lower Canada, and to their Children, to 1st July, 1832.

Names of Councillors and Children.	Quantity of Land Granted.	Date of the Grant.
Hon. John Forsyth, Esq.	625 acres	6 March, 1805.
Hon. John Caldwell, Esq.	1200 ,,	3 April, 1805.
1. Hon. William Bowman Felton, Esq.	600 ,,	29 Sept., 1816.
2. Ditto	2941 ,,	1 July, 1818.
3. Ditto	5200 ,,	31 May, 1824.
4. Ditto	5000 ,,	2 March, 1831.
5. Ditto	400 ,,	24 May, 1831.
Children of ditto:		
6. William Locker Pickmore Felton	1100 ,,	ditto.
7. Eliza Felton	1200 ,,	ditto.
8. Charlotte Felton	1200 ,,	ditto.
9. Fanny Felton	1200 ,,	ditto.
10. Maria Felton	1200 ,,	ditto.
11. Matilda Felton	1200 ,,	ditto.
12. Louisa Felton	1200 ,,	ditto.
13. Octavia Felton	1200 ,,	ditto.
The Hon. Matthew Bell, Esq.	water lot, containing 11,900 feet	31 May, 1824.
Ditto	water lot, containing 8125 feet	ditto.
Ditto	water lot, containing 8125 feet	16 June, 1831.
Hon. James Cuthbert, Esq.	1316 acres	25 June, 1828.
Hon. Jonathan Sewell, Esq.	4400 ,,	27 Sept., 1828.
Hon. Herman W. Ryland, Esq.	2104 ,,	30 May, 1831.
Hon. Lewis Gugy, Esq.	1200 ,,	23 July, 1831.
B. C. A. Gugy, Esq., son of ditto	500 ,,	14 June, 1823.
Mark Pascal Sales Laterrière	800 ,,	25 June, 1828.

BILLS PASSED BY THE HOUSE OF ASSEMBLY, AND REJECTED BY THE LEGISLATIVE COUNCIL.

Session of 1828 *and* 1829.

An Act for vacating the Seats of Members of the Assembly accepting Offices of Profit, and becoming accountable for Public Money.

An Act for granting the benefit of Counsel to Prisoners on Trial for Felony.

An Act for preserving, for the purposes of Husbandry, the Grass growing on Beaches.

An Act to provide for the Erection of a Common Gaol in the District of Montreal.

An Act to amend an Act passed in the 34th year of the reign of his late Majesty George the Third, intituled, "An Act for the division of the Province of Lower Canada for amending the Judicature thereof, and for repealing certain Laws therein mentioned," inasmuch as the same relates to the Courts of Criminal Jurisdiction.

An Act for the Qualification of the Justices of the Peace.

An Act for the Relief of certain Religious Congregations therein mentioned.

An Act to amend an Act passed in the 34th year of the reign of his late Majesty, intituled, "An Act for the division of the Province of Lower Canada, for amending the Judicature thereof, and for repealing certain

Laws therein mentioned," in so far as regards the rank, power, and authority of the Provincial Judge for the district of Three Rivers.

An Act to afford Relief to a certain Religious Congregation at Montreal, denominated Presbyterians.

An Act to afford Relief to a certain Religious Congregation at Quebec, denominated Presbyterians.

An Act to Incorporate the City of Montreal.

An Act for disqualifying the Judges from Sitting or Voting in the Legislative Council and Executive Council.

An Act for the appointment of Agents in the United Kingdom of Great Britain and Ireland.

An Act to appropriate a certain sum of Money to pay the Pensions of Militia-men, wounded during the late War with the United States of America, for the present year 1829.

An Act to provide for the Erection of a Marine Hospital in or near Quebec.

An Act to extend certain provisions of a certain Act therein mentioned, with respect to purchasers of Real Property at Sheriff's Sales in this Province.

Session of 1832.

An Act to authorize Counsel to address Juries in the behalf of Prisoners in Capital Cases.

An Act declaratory of a certain part of an Ordinance of the Governor and Legislative Council of the Province of Quebec, relative to Writs of *Capias* or Attachment.

An Act to re-establish uniformity with regard to the Meetings of *Fabriques* in this Province, and to declare who are the Persons entitled to take part therein in certain cases.

An Act for the appointing an Agent in the United Kingdom of Great Britain and Ireland.

An Act for the Relief of Persons holding of His Majesty *en roture* immoveable Property in the Suburbs of Quebec, upon which *Lods et Ventes*, or Mutation Fines, are due.—[It is a complaint against the Canadians, though perfectly untrue, that they will not exempt their lands from these burthens incident to their tenure; yet the Legislative Council refused to exempt the Crown lands from them.]

An Act to facilitate the issuing of Writs of *Saisie Gagerie*, *Saisie Revendication* and *Saisie Arrêt*, after Judgment, and to provide for the summoning of Absentees.

An Act to repeal so much of two certain Acts therein mentioned, made and passed in the Parliament of the United Kingdom of Great Britain and Ireland, as authorizes the Commutation of the Tenure of Lands held *à titre de Fief* and *à titre de Cens* in this Province, into the Tenure of Free and Common Socage.

An Act to establish a Fund for the Relief of Sick and Destitute Emigrants.

An Act to amend the Judicature of the Province, and to extend and facilitate the Administration of Justice in the different parts thereof.

An Act to repeal the Acts providing for the summary Trial of small Causes in the country parts, and to make provision for such Trial.

An Act to repeal certain Duties imposed on Molasses and Coffee, and to diminish the Rates of certain Duties on Tobacco imported into this Province by land or inland navigation.

An Act to extend the provisions of a certain Act therein mentioned, with respect to the Purchases of Real Property at Sheriff's Sales in this Province.

An Act to prevent Debtors from wasting or diminishing the value of their immoveable Property under seizure, to the injury of their Creditors.

An Act to make the Salaries and Emoluments of Public Officers liable to attachment at the suit of the Creditors of such Officers.

[Letter II.]

CANADIAN PORTFOLIO.

RESULTS OF THE MINISTERIAL RESOLUTIONS RESPECTING CANADA.

EVENTS FROM MARCH TO NOVEMBER, 1837.

Just before the last Session of Parliament was at an end, intelligence was received in this country of the manner in which the Canadian people had received the Resolutions* introduced into the House of Commons by Lord John Russell. The debates of the 6th and 8th of March were printed in the Canada papers of the 24th of April. The result was, that the indignation of the people was universally aroused.

During the summer months public meetings were held in almost every county in Lower Canada† to denounce the atrocious Resolutions (so they were called) of the British Government. At these meetings a plan was universally adopted "to counteract, as far as lay in the people's power, the coercive measures of the British Government." This plan is precisely what Mr Roebuck predicted in the course of the debate of the 14th of April. It is similar to that which the old colonies adopted under circumstances somewhat similar. It is comprised in the words—*passive resistance.*

This plan is detailed in the following letter, dated Montreal, 23d of April, and at none of the subsequent meetings was it materially departed from :—

COPY.

"Lord John Russell's Resolutions have aroused universal indignation in this province, and the result is a very general determination to consume nothing which contributes to the revenues which your infamous Minister proposes to seize.

"For rum and brandy, which now contribute so largely to the revenue, we shall substitute whiskey and beer. Tea we shall replace

* The Resolutions will be found ante p. 15.

† I shall have occasion to show in another paper that numerous meetings were held in Upper Canada in favour of the Lower Province. This, however, does not come within the scope of the present paper.

by coffee made of barley, beans, or crust of bread, which our physicians declare to be more wholesome than tea, which our excellent wives now patriotically discover to be weakening to the nerves.

"The sugar of the maple will alone enter into the house of the patriot; and Providence, as if intentionally, has this year sent us a most abundant crop.

"The tobacco of the Province and of Upper Canada is, fortunately, of excellent quality; not a pound of that which has passed the Custom House will a single Canadian use.

"Our country traders (*marchands*) have sworn the destruction of this same infamous Custom House system—the fruitful source of our woes, and the succour of our persecutors. The smuggler we shall henceforward regard as our saviour, and encourage by every means in our power. Recently, we learn, there has been an illicit importation of tea and tobacco, to a considerable extent, on the Chambly River: with these the duty-paid articles cannot compete—they will remain like drugs in the importer's stores. Instead of being regarded with an evil eye, the smuggler will now be esteemed the best friend of his country.

"Home-made cloths (*étoffe du pays*) will now be our only wear; to be seen in a coat of English cloth will be deemed disgraceful, and I am assured that throughout the country our patriotic women are busily employed manufacturing for our exigencies.

"We are determined to punish our enemies here, and their dupes on your side, at the sole point where they are vulnerable—*the purse.*

* * * * *

"We are quite sensible that this cannot be done without some suffering to ourselves; but we have calmly made the calculation, and have determined on making the sacrifice in order to paralyze our enemies. This course has already succeeded once in America, and it will succeed again. Farewell! When next I address you I may perhaps have more extraordinary things to record. I send you herewith some papers. Our small differences we have forgotten. The Moderates and Ultras are at peace, working in amicable emulation against a common enemy. Again, farewell!"

Of the revenue of Lower Canada a large portion is derived from the duties on spirits. *One shilling* per gallon is collected on about 1,000,000 gallons of rum, and *eighteen-pence* per gallon on about 250,000 gallons of brandy and gin. A substitution of whiskey and beer for these would nearly destroy the revenue from this fruitful source. There is reason to believe that a very considerable reduction of revenue has already taken place, but it is on the next year's importation that the efforts of the people of Canada will become manifest. The dominant party of Canada make it a distinct charge against the mass of the people, that they are servile in their obedience to their leaders, and as some partial experiments of the kind have before succeeded, it is not unreasonable to suppose that the "passive resistance" of Canada will succeed in its object.

LOWER CANADA ORGANIZED.

At the several county meetings, where Resolutions to the effect above alluded to were adopted, a plan of general organization was also agreed upon, in order to enforce the system of non-intercourse, and otherwise to attend to the interests of the province.

This plan—since universally adopted—is as follows :—

1. In every parish there shall be a Committee of Vigilance to watch over the public safety and to communicate with,
2. A larger Committee in each county, which County Committee shall name delegates to form,
3. A Central and Permanent Committee of Correspondence in Montreal.

Between the Central, County, and Parish Committees, a very active correspondence has been kept up. They have served as a means of communication between every individual in the country. They will enable the whole population to act in one body—endowed with one mind. In short, Lower Canada is by their means in a state of organization.

Generally speaking, the people of the country are sufficiently unanimous in their determination to carry out the plan of non-intercourse, to render the labours of the Parish Committees of vigilance a sinecure. Nevertheless the country innkeepers are constantly visited, and if they are found to transgress the County Resolutions they are "admonished to be more patriotic in future." In some few cases where the cupidity of an innkeeper has induced him to sell the forbidden rum or spirits of foreign production, he has found his cattle maimed. In one case an innkeeper found his horse's tail shaved, and this moderate hint was found to be effectual.

It will, of course, be urged that such acts of aggression are wholly unjustifiable. This is, doubtless, true. It must, however, be remembered that the constant violation of the people's rights in Canada must have made them but little regardless of the rights of those whom they deem their enemies. Every man must feel that rights and duties are inseparable—rights reciprocal. Duties may be called the purchase-money of rights. Take away a people's rights, and how can we expect them to continue to pay the purchase-money. You destroy the people's rights, and you thereby virtually exonerate them from their duties. So completely have the Canadians' rights been trampled on, and especially by the Ministerial Resolutions, that the wonder should be—not that such acts of private aggression are committed, but that they are not committed in a ten-fold degree. The love of order in Canada is truly remarkable.

LORD GOSFORD'S PROCLAMATION.

The several county meetings above alluded to were attended, not merely by the mass of the people, but by the Magistrates and Militia Officers; in short, by the most wealthy and respectable people in the country. This remarkable feature, so different from what usually occurs in this country, seems to have alarmed Lord Gosford. On the 15th of June a proclamation was issued denouncing these public meetings as "seditious and unlawful," calling those who attended them (that is the whole country) evil and designing men, and warning the people from attending such meetings.

The proclamation concluded by *strictly commanding* "all *Magis-* "*trates* in and throughout the province, all *Officers of Militia*, Peace "Officers, and others, to oppose and frustrate the insidious designs "adverted to in this proclamation, and to preserve, by their loyal "co-operation, the rigour and inviolability of the laws on which "their religion and future happiness depend."

This silly proclamation proved a complete failure. The people continued to hold their meetings, to denounce the "Russell atrocity," as before, and the "Magistrates, Officers of Militia, and Peace Officers," openly disobeyed the proclamation. At one county meeting an attempt was made to post up the proclamation, but it was torn down and trampled under foot. Magistrates set the example by tearing the proclamation in presence of the assembled multitude, and scattering the same to the winds. Officers of Militia did the same before their companies, although enjoined by a "general order" to call out their men, and read the documents to them.

THE DISMISSALS AND RESIGNATIONS.

Lord Gosford now seems to have lost both his temper and his presence of mind. Every Magistrate and Militia Officer whose name he could learn—and it was not difficult to learn their names where there was no concealment—was immediately deprived of his commission. This plan had been tried by the Earl of Dalhousie in 1828, and only had the effect of arousing the whole country. Previous to that time the people did not busy themselves much about politics. By casting ignominy on their most esteemed fellow citizens, Lord Dalhousie carried tyranny to every man's door. The popular party boast that Lord Dalhousie thereby advanced the political education of the people more than many years of agitation could have done. Lord Gosford's dismissals have also had the effect of arousing the country.

Finding the most respected Magistrates marked out by the Executive as objects of contempt, those who were not so marked out determined to hold their commissions under an obnoxious Government no longer. Commission after commission was cast with contempt into Lord Gosford's teeth. On one occasion, in the county of Two Mountains, no less than sixty-six commissions were returned to Lord Gosford in one batch.

In the course of these dismissals and resignations the most angry correspondence was carried on between the dismissed Magistrates and the Executive. The first step was, in most cases, to demand an explanation of the Magistrate or Officer for attending such and such a meeting in contempt of his Excellency's proclamation. The only explanation was a defiance.

One sample of this class of correspondence will suffice; it is between the Civil Secretary of Lower Canada and Mr Papineau.

Castle of St Louis,
Quebec, 12th August, 1837.

Sir,—The attention of the Governor-in-Chief having been lately called to a report contained in the *Vindicator* of the 16th May last, of the proceedings of a meeting held on the previous day at St Laurent, in which you are stated to have taken an active part, and where Resolutions were passed, some of which distinctly recommend a violation of the laws, I am directed by his Excellency to call upon you as one holding a commission in the Militia, to state whether you were present at that meeting, and concurred in the Resolutions there passed; and if so, I am to inquire whether you have any explanation to offer in this matter.

I have the honour to be, Sir,
Your most obedient, &c.,
S. Walcott, Civil Sec.

The Hon. L. J. Papineau,
Major 3rd Battalion Montreal Militia.

REPLY.

Montreal, 14th August, 1837.

Sir,—The pretension of the Governor to interrogate me respecting my conduct at *St Laurent*, on the 15th May last, is an impertinence which I repel with contempt and silence.

I, however, take the pen merely to tell the Governor that it is false that any of the Resolutions adopted at the meeting of the county of Montreal, held at St Laurent on the 15th of May last, recommend a violation of the laws, as in his ignorance he may believe, or as he at least asserts.

Your obedient Servant,
L. J. Papineau.

Samuel Walcott, Civil Sec.

Dismissal of course followed this and all similar correspondence.

In all cases of dismissal or resignation the parties received the thanks of their county at the first meeting of the Committee. At the same time the conduct of the Executive was generally denounced. The following is a copy of the Resolution passed in the above case, denouncing the act of the Executive.

"Resolved,—That after the repeated votes throughout the pro-"vince of respect for the person, and approbation of the conduct of "the Honourable L. J. Papineau, the recent letter addressed to him "in quality of an Officer of Militia, by the head of the administra-"tion, and which met with the answer which it merited, can only be "considered as an insult to the whole body of Reformers, comprising "nearly the entire population committed to his government, and that "it was written with no other view than to disturb the harmony of the "approaching session of Parliament."

Another Resolution "tenders the warmest thanks of the Committee" to a Magistrate who had resigned "for his dignified respect for his own character and the feelings of his constituents (he was an M.P.P.), in promptly resigning an office held under such dishonourable and infamous conditions."

The consequence of this universal sweeping away of the Magistracy might have been, but for the small quantity of crime in Canada, and the good order of the people, a thorough disorganization of society. The people of Canada owe no thanks to Lord Gosford that a complete state of anarchy did not arise—they owe the preservation of tranquillity entirely to the good conduct of the people. Let it be remembered that it was not a question between *this* or *that* Magistracy—it was between a Magistracy and no Magistracy. After the dismissals and resignations Lord Gosford could scarcely have formed a Commission of the Peace, except in the cities. To accept an office at his polluted hands was deemed odious. No Canadian would disgrace himself by such a prostitution. Nothing but the general morality of the people protected the country from the horrid consequences which in other countries would have flowed from a want of Magistrates.

ELECTION OF MAGISTRATES.

At length a term was put to this state of uncertainty by the good sense of the people themselves. They determined to supply the loss of king-made justices by Magistrates of their own choice.

This important move commenced in the county of Two Mountains. On the 15th of October a general meeting of the freeholders of the county took place, when and where sundry "wise and discreet per-

sons were chosen by each parish to fill the office of *Justice of the Peace and Pacificator.*"

The duty of such Justices, so elected, was declared to be "to con-"ciliate the differences and difficulties which may hereafter arise "between the Reformers of their localities, with power to judge and "determine all complaints which shall be brought before them."

From the decisions of the Justice-Pacificators *an appeal* was instituted to the Permament Committee of the county.

A jury is allowed where suitors require it.

A sanction to these regulations has not been omitted. Reformers are declared to be *bound in honour* to bring their cases before the Justice-Pacificators, in preference to the Queen's Courts.

Reformers who refuse to acknowledge the authority of the said Justices, or who carry their complaints before the Queen's Courts, "in preference to those of honour and conciliation at present established," &c., "shall be deprived of their vote at any public meeting," —"shall not be elected by Reformers to any office," and "shall be censured publicly, which censure shall be exposed upon the church doors."

With regard to the Militia it was resolved—

"That the Reformers who have begun to drill shall form themselves, in each parish, in Volunteer companies of Militia, under the command of officers elected by the Militiamen, and shall be drilled in the management of fire-arms, and in light infantry evolutions and movements.

Officers who have been dismissed, &c., "shall be re-elected by the Militiamen."

Thus the Canadians have established a good system of local judicature, wholly independent of the Government at Quebec. English bayonets cannot reach this revolutionary movement, if courageously persevered in—no pop-gun proclamation can have any effect against this determination of the people. Moreover it is a movement which may easily be extended to other departments of local government. The Canadians have the example of the States before them. What is to prevent the establishment of local government in all its branches? To *elected* officers the people would willingly pay such small contribution as might be required. The Government at Quebec would then become an isolated sinecure, and, when at length it was thrust from the country, or withdrawn by a wise government as unprofitable, a delegation to the metropolitan city, from the local governments already established, would be all the change required to erect Canada into a sovereign state.

If Ministers could be induced to govern by the light of common sense, they would gradually lead the people of Canada to self-government, by a set of easy steps, in preference to forcing them into a state of civil war, which must leave a balance of evil, end which way it may.

MEETING OF THE ASSEMBLY.

In the midst of the proceedings above described the Assembly was called together. They met on the 17th of August, and the object of the Executive in calling them together seems to have been

I. To tell them that Canada was to be coerced—that is, to communicate the Resolutions of the House of Commons, which had really been for more than three months under discussion throughout the country.

2. To reiterate the demands of the Executive for *money*.

The Governor, in his speech, accordingly communicated the substance of the Resolutions of the House of Commons, and told the Assembly that he "gave them an opportunity of voting the salaries." He moreover told them that the demise of the Crown would make no alteration in the councils of her Majesty, and "had produced no alteration in the course that had been previously furnished him (the Governor) for adoption." Finally, an unusually long harangue was concluded by the Governor's repeating his "determination to adhere to the principles which he laid down for his guidance when he first addressed them." In plain English, all the people of Canada asked was refused—all they deprecated was pertinaciously insisted on.

The next day the House was in committee "on the state of the province," and the Governor's speech was referred to them. From this committee emanated a very manly Address, in which the Assembly maintained its former position, in declaring that no supplies would be granted until the grievances complained of should be redressed.

The language of this Address is extremely bold and unequivocal—

"It is our duty," says the Address, "to tell the mother country that, if she carries the spirit of these Resolutions into effect in the government of British America, and of this province in particular, her supremacy therein will no longer depend upon the feelings of affection, of duty, and of mutual interests, which would best secure it, but *on physical and material force*, an element dangerous to the governing party, at the same time that it subjects the governed to a degree of uncertainty as to their future existence and their dearest interests, which is scarcely to be found under the most absolute governments of civilized Europe."

The reform of the Council, on the principle of election, not being mentioned in the speech, the Address observes—

"This essential reform having been omitted, we are bound to declare that our duty towards the people by whom we are sent here imperiously requires us to follow, under existing circumstances, the course adopted by us in our Address of the 13th of February, 1836: we therefore persist therein, as well as in all the declarations and demands therein contained,"

On the subject of supplies the Address declares, "That, at the present juncture, we have not been able to derive from your Excellency's speech, or from any other source, any motive for departing even momentarily from our determination *to withhold the supplies until the grievances of the country are redressed.*"

The language of the debates on the occasion was similar to the language which prevailed throughout the country at the county meetings already described. The proclamation was alluded to in terms of unmingled contempt; the system of non-intercourse was upheld and strenuously recommended; and the conduct of the Magistrates and Militia-officers was approved of in the warmest terms. Even the leaders of the "Constitutional party" expressed themselves in strong terms against the "imbecile administration;" one member, Andrew Steuart, declaring that "Lord Gosford had not a single friend in the Assembly."

On the 26th of August the Address was presented to the Governor. After receiving the Governor's reply, the Members of the Assembly returned to their Hall, where they found awaiting them a "Royal Proclamation," proroguing the House.

Thus terminated, in little more than a week, this unproductive session, the representatives of the people maintaining firmly their determination not to be satisfied by anything short of the fullest concession, and the immediate introduction of the elective principle into the institutions of Canada.

INCREASE OF THE TROOPS.

It is now necessary to turn to the proceedings of the Government for the increase of the military force in Lower Canada.

The object seems to have been to increase the number of troops, gradually and in a manner not to excite notice, to the fullest extent possible, without an application to Parliament.

By a return laid before Parliament in 1835, the whole number of troops in the two Canadas was 3,000.

The number now in the two provinces is said to be over 4,000.

This increase has been brought about in the following manner:—

1. Every regiment in Canada has been strengthened by drafts

from their several depôts, so as to render the regiments now serving there of greater force than is usual in colonial service.

2. "The Royals," a regiment which is said to be of *double* the force of the ordinary regiments of the line, was sent to Canada in 1836, and no regiment came home "relieved." This move alone was equivalent to an addition of two regiments.

3. A regiment, the 83rd, has been moved from Nova Scotia.

Besides the above measures, means have been adopted to bring into Lower Canada more than her usual proportion of the whole force.

Application was made by Lord Gosford to Sir Francis Head for all the troops he could spare. His bombastic reply was, "I can spare *all*."

In addition to these it was contemplated to march the 43rd from New Brunswick,* and a regiment has been ordered to Halifax, to increase the force at the disposal of the party "well affected" to Lord John Russell's coercive Resolutions.

The early period at which this system of increase was commenced (spring of 1836) is evidence that the intention to coerce Canada was taken by his Majesty's Ministers at the time, or soon after, Lord Gosford was sent out. The appointment of Sir John Colborne as Commander-in-Chief most likely had its origin in the same determination.

DESERTIONS.

There is one fact connected with this army in Canada which the authorities cannot conceal; it is that desertion is extensive and constant. The regiments in Upper Canada have especially suffered, and the officers admit that new recruits can scarcely be kept. The 24th regiment, it is believed, has been almost wholly renewed since it has been in Canada; and no regiment remains unthinned. Not a week passes that each regiment does not lose some men. It was stated in an Upper Canadian paper about twelve months since, that 30 men deserted from Toronto alone in one week; and the 15th regiment lost the whole of its band at once. So notorious is this in Canada, however it may be denied in the House of Commons, that parties are stationed at the points of easy egress, avowedly to prevent desertion. These parties (generally sergeant's parties) themselves sometimes desert. On a recent occasion one man out of a party was shot in attempting to cross the Niagara River. His companions got clear,

* Since done.

and so would he, but, being a high spirited and rash young Irishman, he got up in the boat to scoff at his pursuers, when he was fired at and killed. Scarcely a paper is published without containing an account of three or four desertions. Formerly the Tory papers used to record these desertions, but latterly they exclude the accounts from their columns.

These desertions cannot be wondered at, when it is remembered that wages are extremely high "across the lines," and a few months' savings will enable a man to become the possessor of a freehold of 100 acres of rich land. Twenty dollars a month is not an uncommon rate of wages, and land is only one dollar and a quarter per acre.

Advertisements, setting forth the above facts, are frequently published in the Canada papers. Witness the following:—

"5,000 Labourers wanted at Indianopolis, Indiana, at from 15 to "20 dollars a month, *and board.*"

A Canadian newspaper remarks:—"We wonder if we could be "indicted for treason if we give it as our opinion, that 20 dollars a "month *and board* in Indiana, are much better wages than sixpence "a day, with the privilege of being flogged or shot in the British "army."

The force of this motive of high wages will be best understood when it is recollected, that sergeants and corporals—men who enjoy stations of ten-fold comfort and value in every respect—desert frequently. A sergeant of the 32nd regiment deserted on the 22nd of September.

LORD GOSFORD'S APPOINTMENTS.

The "vicious Constitution of the Council," and the "usurped power of the Executive over the revenue," are the two great grievances of the Canadians. Whilst Lord John Russell's Resolutions proposed to extend the usurpation complained of by appropriating the revenues without the consent of the Assembly, an admission was at the same time made, that the Council required amendment, and a promise was held out to that effect. How has this pledge been redeemed by Lord Gosford? It has not been in any way redeemed. Instead of remodelling the Legislative Council in any way, it has merely been augmented by the introduction of three or four men of the party opposed to the Assembly. And what men has Lord Gosford chosen for this distinction? The most obnoxious men in the whole province—men who are detested and abhorred by the people, and contemned and despised by their present political associates—political renegades, traitors to the people, who have lost their position among their old friends, without gaining one among their new allies.

Among these is John Neilson, who was once deputed to this country by the Assembly, and again in 1836—after his desertion—by the Tories. A more obnoxious person could not have been chosen. And this is improving the Council!—giving it a more independent character!—more worthy of the public confidence! Another person of Canadian birth, and who had betrayed the cause of his country, was burned in effigy by the indignant people.

Lord Gosford's appointments to the Executive Council have been equally insulting to the people and Assembly—one name is sufficient evidence of this—Debartzch. This man, up to Lord Gosford's arrival, had been extremely conspicuous, as one of that small but patriotic band in the Legislative Council, which maintained the views of the Assembly in that Chamber. He signed the Assembly's petition with the patriotic minority of the Council in 1834, and was generally abused by the Tory papers, as a Revolutionary Democrat. In 1837 he is singled out as the chosen recipient of such honours as Lord Gosford has to bestow. Many persons who have been during their whole lives strenuously evincing their attachment to Lord John's "well affected" party are set aside for this vile miscreant, who, if it suited his purpose, would betray his new friends as he has done his old.

Lord John's other pledge, contained in the *Eighth* Resolution, has been redeemed to the letter. On the 15th of October the payment of the officials took place, and so great was the sympathy of the Governor for these persons, that specie was obtained from New York at a considerable expense, in order that they might not lose by being paid in a currency about 5 per cent. depreciated. The popular papers, and the language held at public meetings, indicate the greatest indignation at this seizure of the public monies.

PROSTITUTION OF THE PULPIT.

Two events here deserve notice, as showing the strong feelings of the people, and the little influence of the Clergy over a religious people, as the Canadians certainly are, when those Clergy step out of their appointed path, and prostitute the altar to political purposes.

On the accession of her present Majesty, a *Te Deum* was ordered by the Bishop to be sung in the churches. It was suspected that this was intended to be used as a proof of the contentment of the people with the present policy of the Government. Whether it was so or not I am unable to say, but this is certain, that the congre-

gations very generally resented it under that impression, by abandoning the churches when the Curé commenced chanting.

Another case of contempt for the authority of the church, where the matter was deemed to be not within her jurisdiction, occurred very recently. The Bishop of Montreal thought fit to prostitute the pulpit for party purposes, by issuing a sort of echo of Lord Gosford's proclamation, under the title of a *Mandement*, addressed to his Clergy, condemning the meetings which were daily taking place, and enjoining obedience to the dominant party. This partisan document was ordered to be read in the churches; but it met with the same fate as the *Te Deum*. The moment the Curé began to read, the congregations left the churches; and in one case a patriotic meeting was held at the church door, whilst the Curé, in obedience to orders, was busily engaged reading the *Mandement* to empty benches within.

It has been urged that the Canadians are priest-ridden. The accusation arose when the priests were attached to the popular party; when the people were, consequently, in the habit of listening to their advice, for the very simple reason that their advice was for the people's good. Some few years since a dispute arose throughout the country about the mode of choosing Churchwardens. The plan had been that the new Churchwardens were chosen by the old. This plan the Parishioners objected to, and in accordance with numerous petitions, a Bill was introduced into the Assembly, to give the power of electing these officers to the Parishioners at large. Hereupon a cry about "Vested Rights" was raised, and the Curés became opposed to their flocks. The party which had before accused the people of being *priest-ridden*, now called the same people "Infidels" and "Atheists," and so forth. The truth, however, lies between. The people are neither "Infidels" nor "priest-ridden." They are really religious and moral; but they resent any attempt on the part of their priests to control their political conduct.

POSITION OF CANADA, COMPARED WITH THAT OF THE UNITED STATES IN 1776.

Let us now proceed to examine the position which the Canadians enjoy, considered in relation to resistance of the British domination by force of arms. Their means of annoying and inconveniencing the dominant faction have been already fully stated.

The Canadas now contain a population of 1,100,000; the other Colonies, about 350,000; the whole of British America nearly one

million and a half. When the "Troubles," as they were usually called, commenced in the old Colonies, the population did not much exceed two millions.

Unanimity of opinion prevails to a much greater extent in British America than it did in the old Colonies, when the troubles first commenced. The "Tories" were strong in many of the states; so much so, that had the popular party been twice or thrice beaten in 1777 or 1778, there would have been a declaration in favour of the "Loyal" party. Of this—notwithstanding all that has been urged by Sir Francis Head and his party—there is not much chance in the present Colonies. In Lower Canada the Tory party can only make a show in the two cities of Quebec and Montreal, and there they do not number among their partisans above *one fourteenth*, if so many, of the whole population. In Upper Canada numerous meetings have been held in all parts of the province in favour of Lower Canada.* A Political Union is extensively ramified throughout the townships and counties, answering in its effects to the Committees of Vigilance in Lower Canada. These Unions have even set an example† to Lower Canada in one respect. They have petitioned the Congress of the United States for a *free trade* between Canada and the several States bordering thereon, and they are encouraging smuggling in the meantime in every possible way. Not *two months* since the Collector of the Customs of Toronto was severely beaten in attempting to check a smuggling party. Sir Francis Head's bravado may yet lead him into difficulties. Having spared "all" the troops, it is not impossible the patriots of Upper Canada may take advantage of his defenceless state, and make a diversion in favour of Lower Canada.‡

In the other Colonies "harmony" is far from being prevalent. Newfoundland has just refused to grant the supplies—another coercion bill must be prepared for her. Nova Scotia and Prince Edward's Island have both declared in favour of an Elective Council, and although New Brunswick has not reached that point (that I am aware of), there are numerous difficulties and differences between the Assembly and the Executive, which must create in that province abundance of sympathy with Canada.

In point of unanimity, therefore, the British American Colonies

* It is intended to give a great number of the Resolutions passed at such meetings in a subsequent Number.

† This example has been followed in Lower Canada.

‡ Since the above was written, we learn that the Upper Canadians are in arms.

have now an advantage which the United Colonies did not enjoy till some considerable time after the declaration of independence.

In another respect their position is strong. The United States had, in the Canadas, an enemy on her northern frontier—an enemy which had been a perpetual thorn in her side since the first settlement of the countries. This galling enemy, throughout the whole of the revolutionary struggle, was continually diverting and wasting her strength. Canada has not only no such enemy, but has a firm friend in the people of the United States. It is not pretended that the Government of the United States would embroil itself with England by taking part with a rebel colony, but that the independent people of the Western and Northern States would enlist and fight for Canada is put beyond a doubt by many offers so to do. The Canadian leaders have received numerous letters from bodies of skilled riflemen, 800 to 1000 strong,* offering to go in and fight for the Canadians, "for the purpose of ejecting Monarchy from the American continent." There cannot be a doubt that Canada has only to keep up the standard of revolt for a short time to have swarms of American rifles down from Ohio, Michigan, New York, Pennsylvania, and Kentucky. Every American newspaper (except the papers of New York, of which more at another time) bears testimony to the powerful interest which America takes in the quarrel. Every Canadian paper received has a string of paragraphs from United States papers, headed, "Sympathy from without," or "Our neighbours have their eyes on us."

It has been stupidly urged that the Americans take not the least interest in the question—that they want no more territory, and so forth. If this be the case, why do they take such a powerful interest in the N.E. boundary question? If they care nothing for the whole of Canada, why do they shed their blood and suffer imprisonment, as an American has just done in New Brunswick, for a few acres of territory in the most sterile and inhospitable portion of Canada?—for, in short, what Voltaire called "*Quelques arpens de neige vers le Canada.*"

It is notorious to all who know anything of the state of opinion in the States, that the ejectment of Kingly Government from the soil of America is their predominant desire. It is not a vulgar European idea of conquest—they want no more territory. They would no more take Canada, than New York would take Vermont. What

* 1000 riflemen may be deemed in America equal in efficiency to 3000, and perhaps even 5000 soldiers with muskets.

they want is to get rid of European influence and European opinions.

There is another motive operating on the Northern section of the Union, which will strongly influence the question :—it is the necessity of providing a counterpoise to Texas.

The desire to add Texas to the Union prevails with the Southern States, because Texas holds slaves : this excites the North to look for a counterpoise. What so obvious as Canada? Last Session the discussion of the Texas question was postponed—the extra Session being confined to the consideration of the Bank question : the first Session that the annexation of Texas is discussed, we may be quite sure that the disputes between Canada and the mother country will be noticed.

Another advantage enjoyed by Canada is that she does not possess within her very bosom an enemy in a slave population. This was a source of fear to the Americans ; and it is notorious that many attempts were made to induce the slaves to rebel ; hence a portion of of her available force must have been directed to the task of overawing her slave population. At the period of the American Revolution the Indians were formidable, and the most powerful were in strict alliance with the Canadians. This was a constant source of dread to the Americans. Now the Indians are weak and powerless.

In short, there is not a single point of view in which the Canadians are not in a better posture to resist the mother country than the old colonists were in 1776.

So much for the efforts of the people to counteract the influence of Lord John Russell's Resolutions. It will be seen that the resistance of the people was of a passive character. The sedulous efforts of the local Governments to convert it into active resistance—efforts which have but too well succeeded—remain to be recorded in another paper.

H. S. Chapman.

BRITISH ECONOMY.

The following tables of the salaries paid to Governors, first, in the several Sovereign States of America, and second, in the British Colonies, will give an idea of the cheapness of good government, and the costlinesss of bad government, on that continent:—

1. SALARIES PAID TO THE GOVERNORS OF THE STATES.

States.	Governors.	Salary.
Maine	Robert P. Dunlap .... dollars	1,500
N. Hampshire	Isaac Hill	1,000
Vermont	S. H. Jennison.....	750
Massachusetts....	Edward Everett	3,666
R. Island.....	John B. Francis	400
Connecticut.....	Henry W. Edwards	1,100
New York	Wm. L. Marcy.....	4,000
New Jersey	Peter D. Vroom	2,000
Pennsylvania	Joseph Ritner	4,000
Delaware	Charles Polk, *acting*.....	1,333
Maryland	James Thomas	3,500
Virginia	David Campbell	3,333
N. Carolina	David L. Swain.....	2,000
S. Carolina	———	3,000
Georgia	John Schley	3,000
Alabama	C. C. Clay.....	2,000
Mississippi	———	2,000
Louisiana.....	Edward D. White	7,500
Tennessee	Newton Cannon	2,000
Kentucky.....	J. T. Morehead	2,000
Ohio	Joseph Vance	1,200
Indiana	Noah Noble	1,000
Illinois.....	Joseph Duncan	1,000
Mo	Daniel Dunklin	1,500
	Total ..... Dollars	54,782

2. SALARIES PAID TO THE GOVERNORS OF THE BRITISH COLONIES.

Colonies.	Governors.	Salary.
L. Canada	Lord Gosford ..... dollars	44,000
U. Canada	Sir F. B. Head	22,000
N. Brunswick	Sir J. Harvey.....	13,000
Nova Scotia.....	Sir A. Campbell	13,000
Newfoundland	———	10,000
P. Edward's Island	Sir A. Young	10,000
	Total ..... Dollars	112,000

The Governors of all the States of America, twenty-four in number, receive less than half of the sum paid to our six British colonies. Population of the former 16,000,000, of the latter 1,400,000. The

Governors of the two Canadas alone receive upwards of 10,000 dollars more than all the Governors of the Sovereign States of America. New York has a population of 2,000,000, with many wealthy cities; Canada has a population of 1,000,000, and has, moreover, no wealthy cities; yet Canada pays upwards of *sixteen* times as much for Governors as the State of New York.

The President of the United States has 25,000 dollars per annum; Head, the Governor of Upper Canada—a province, the population of which is only 400,000—gets within 3,000 of that sum for driving the country to revolt.

Every office in Canada is paid on an equally extravagant scale. The Assembly has continually opposed itself to this evil; but by the aid of Lord John Russell's *eighth* Resolution, backed by British bayonets and British firebrands, the officials have hitherto prevailed.

But "Canada has no grievance."

"THE CANADIANS HAVE NO GRIEVANCE."

No Grievance, No. 1.—Lord John Russell gravely informed the House of Commons that the civil war in Canada simply related to a demand for an Elective Legislative Council; affecting to forget that by his own Resolutions, passed by both Houses of Parliament, he had destroyed the chartered rights and constitution of Canada. He asserted, in his Resolutions, the authority of the Imperial Parliament to control the administration of the waste lands, and pompously enlarged upon the necessity of maintaining the inviolability of an Act of Parliament constituting a company of land jobbers; but felt no compunction whatever in violating a solemn Act of the Legislature, by which a Constitution was conferred upon the Canadian people. Did he not understand what he was doing? Did he consider that the large majorities that he earnestly prayed the Tories to aid him with, justified a proceeding, the injustice and atrocity of which were never exceeded? Did he think that the abolition of the power of a House of Representatives to control the Government would be calmly and patiently endured? Or did he presume to think that a people complaining of misgovernment would be satisfied to stand by and patiently observe the overthrow of the only institution which prevented their rulers from committing any act of misgovernment with impunity? What would the English people do, if Ministers were to take measures to prevent the necessity of assembling Parliament! Can any person doubt that not

a day would elapse before they would be prepared to take the field, and to resist the Government? What constitutes the difference in the case of Canada? Is it possible that they who nearly produced a civil war in this country only six years since, in order to obtain the reform of the House of Commons, can consider the destruction of a House of Commons in Canada no grievance?

No Grievance, No. 2.—By the conduct of the Government in Canada, and by subornation of perjury, the Liberal papers at Montreal have been suppressed. This, of course, is no grievance. Similar conduct produced the Revolution in France in 1830; but Lord John Russell never considered the liberty of the press of any value; witness his own Act for its regulation, passed in 1836; and, therefore, the destruction of the Liberal press is no grievance in Canada!

No Grievance, No. 3.—Juries in Lower Canada are nominated at the mere will and pleasure of the Sheriff, or Government official. Under this system, juries, complacently obedient to the desires of an Attorney-General, are easily secured. The judicial murder of Lord William Russell has not impressed his descendant with an acute conception of the horrors of packed political juries. The Canadians are to be tried for resisting Lord John Russell's own Resolutions; therefore, the packing of juries is no grievance—judicial murder is only horrible in England.

No Grievance, No. 4.—The Magistrates who took any part in remonstrating at public meetings in Canada against Lord John Russell's Resolutions, or who were supposed to condemn them, were summarily struck out of the Commission of the Peace, under the pretence that at such meetings it had been resolved to abstain from the use of taxed articles, and to prefer smuggled articles—in other words, that if the representatives of the people were not permitted to control the public revenue, the people would abstain from the use of articles from which the revenue was derived. Popular opinions were a crime. Liberal Magistrates were dismissed; and by their dismissal all confidence among the people in the administration of the law was destroyed. This was no grievance!

No Grievance, No. 5.—The same reasons that induced the Government to dismiss the Liberal Magistrates induced them to dismiss

a very numerous body of Officers of Militia. This degradation of men who had fought upon the side of England, and defended Canada in the war with America, was no grievance!

ADMINISTRATION OF JUSTICE.

No Grievance, No. 1.—Packing of Juries.—The Sheriff of each district in Canada is nominated by the Crown, and holds his office during pleasure. He has the power to put whom he pleases upon a jury, or in other words, his mere will and pleasure is the law that regulates the summoning of a jury. It was this that induced Mr Papineau to leave Montreal soon after the destruction of the office of the *Vindicator* newspaper. The Attorney-General had shortly before arrived in that city, and circumstances connected with his presence led several friends of Mr Papineau to insist upon his leaving his own home. They justly felt that the Resolutions of Lord John Russell left the officials of the province without restraint, and that it was impossible to say what excesses they might be guilty of. They knew the importance of preserving the life of Mr Papineau, and most properly took him to a place of safety. Colonel Wetherall may call him a "traitor" in his despatch, and the Government may offer a thousand pounds for his discovery, and thus prejudge him; but it would be difficult to find any evidence to establish a charge of treason against him that would satisfy an impartial jury. But the state of the jury law is a most crying grievance, and, connected with the destruction of the privileges of the House of Assembly, renders every jury in Canada an unjust tribunal for the trial of criminal offences. It may be true that juries have been packed in Ireland, and that the jury system there has been most grossly abused, but it is hardly to be supposed that abuses that have been continued in Ireland, through the support of a large standing army, are to be or ought to be continued in Canada through the same assistance.

No Grievance, No. 2.—Judge Gale's Case.—The appointment of this Judge, as an improper person to be placed upon the bench, was disallowed by Mr Spring Rice, but he, nevertheless, is continued in office. The reasons why his appointment ought not to have been originally made, and why it was disallowed, shall be stated upon a future occasion. It is sufficient to say, that they are such as to deprive the Canadians of all confidence in his administration of the law.

No Grievance, No. 3.—Judge Thompson's Case.—"The Standing Committee on Grievances, to whom were referred the Petition of Joseph François Deblois, Esquire, Advocate, one of the Members of your Honourable House, charging the Honourable John Gawler Thompson, Judge of the Provincial Court of the Inferior District of Gaspé, with high crimes and misdemeanours, and other matters of reference, have agreed to the following Report, being the second relative to the said Petition:—

"Your Committee have heard divers witnesses in support of the said Petition, and have thought it necessary to cite in this Report the names of those on whose evidence, joined to that deduced from the papers and documents in the possession of your Committee, this Report is founded. These witnesses are J. C. Létourneau, Edouard Thibeaudeau, and Joseph François Deblois, Esquires, Members of the Provincial Parliament of Lower Canada; Nicholas Boucher, Henry Bissett Johnston, and N. Freer, Esquires, Justices of the Peace; James Ferguson Winter, late Sheriff of the Inferior District of Gaspé; George Mellis Douglass, Esquire, Physician; Messrs Nicolas Allard, Pierre Tivierge, Louis Boulet, and André Dominique, Masters of Schooners and Mariners; John Bissen, Seaman; Germain Durand, Trader; Etienne Lebreux, Joiner; Patrick Enright, Farmer; and John Green.

"It was in the spring of the year 1827, that the Honourable John Gawler Thompson, Judge of his Majesty's Provincial Court of the Inferior District of Gaspé, arrived at Paspebiac, formerly in the County of Gaspé, and now in the County of Bonaventure, in the said Inferior District, as successor to the Honourable Alexis Caron, in his life-time Judge of the said Provincial Court, who died at Paspebiac aforesaid, in the winter of the same year.

"Your Committee submit to your Honourable House, that during the terms of the said Provincial Court at Percé, at Carleton, and at Douglass Town, in the county of Gaspé, then in the said Inferior District, held in the months of July and August in the year 1827, the said Honourable John Gawler Thompson, being such Judge as aforesaid, was not ashamed to offer to the inhabitants of the said several localities the revolting spectacle of a Judge drunk upon the bench while the Court was sitting, and incapable of performing his high judicial functions; and that within the strict meaning of the law he could not and would not hold the term of the said Court at Percé aforesaid, in the month and year above mentioned.

"That subsequently to the term of the said Provincial Court held at Douglass Town aforesaid, in the year 1827, until the term of the said Court held at New Carlisle, in the month of March 1832 (the place last mentioned being now within the county of Bonaventure, in the said Inferior District), the scandalous conduct of the said Judge was not so publicly notorious with regard to the immoderate use of intoxicating liquors; yet your Committee cannot disguise the truth—and it is, therefore, their duty to inform your Honourable House, that during the said space of time, at intervals, and at different terms of the said Court held in the said Inferior District, the said Judge was several times seen drunk on the bench while the Court was sitting, and that more frequently, on divers other days, and during other sittings of the said Court, the said Judge was, from the immoderate use of spirituous liquors, in a state which convinced

the advocates and attorneys of the said Provincial Court, that the said Judge was not fit to perform his judicial duties; for which reason the said advocates and attorneys were induced to postpone the matters which were to be submitted at the several sittings of the said Court. Your Committee except the term of the said Court held at Carleton aforesaid, in the month of July in the year 1831, when the conduct of the said Judge was more strongly marked by intemperance, as well during the sittings of the Court as out of Court—that is, when he was at Chambers, in the exercise of his judicial functions.

" Your Committee have satisfied themselves that at the term of the said Court held at Carleton, in the county of Bonaventure, in the month of July in the year 1832, the said Judge was several times drunk on the bench while the Court was sitting; that at the greater part of the other sittings of the Court he was, from the immoderate use of spirituous liquors, in a state which rendered him incapable of performing his judicial functions; and lastly, that the public conduct of the said Judge, during the said term, was so notoriously degrading, that his Majesty's subjects in that place openly testified the contempt they entertained for the said Judge personally, and the little confidence they had in the judgments of the said Provincial Court.

" That from the term of the said Court held at Percé, in the county of Gaspé, in the said Inferior District, in the month of August, in the year 1832, to the term of the said Court held at New Carlisle, in the said county of Bonaventure, in the said Inferior District of Gaspé, in the year 1835, the intemperance of the said Judge was not so public as in the month of July 1832; but your Committee, from a sense of duty and a feeling of justice, cannot conceal from your Honourable House, that it is proved that during that space of time, at divers intervals, and at different terms of the said Court, held in the said Inferior District of Gaspé, the said Judge was several times seen drunk upon the bench while the Court was sitting; that at other sittings of the said Court the said Judge was most frequently in a state bordering on drunkenness; and lastly, that the said Judge, at divers other sittings of the said Court, was, from the immoderate use of intoxicating liquors, still more frequently observed to be in a state which made it violently suspected that the said Judge was not then fit to take cognizance of the business brought before the said Provincial Court; in consequence of which, the attorneys and advocates of the said Court postponed the consideration of business which might have been terminated if the said Judge had not been on these occasions under the influence of spirituous liquors.

" Your Committee thought it their duty to inquire what the public conduct of the said Judge had been at Chambers, during the vacations between the terms of the said Provincial Court, from his appointment as Judge of the said Inferior District of Gaspé, to the term of the said Provincial Court held in September last; and it was not long before your Committee were convinced that the general conduct of the said Judge has been marked by traits of drunkenness and intemperance, which have impeded the administration of justice in the said Inferior District of Gaspé.

" Struck by the various excesses of intemperance on the part of the said Judge, during his residence in the said Inferior District of Gaspé, your Committee continued their researches, and they submit to your

Honourable House as the result of these researches,—that in those cases where the said Judge has gone alone to the Circuit Courts in the said Inferior District, he has invariably given way to great excesses of drunkenness,—and that when he has been accompanied on the said Circuits by a person who is attached to him by the most sacred ties, the intemperance of the said Judge, without being so manifestly condemnable, has nevertheless been such as to render him unworthy to sit as a Judge in any of his Majesty's Courts of Law."

The House of Assembly addressed the Crown to remove Judge Thompson, but he still continues upon the bench.

No Grievance, No. 4.—In December, 1835, a man perished of cold in the gaol of Montreal. The matter was investigated by the Assembly, and culpable neglect was proved against the Sheriff, Gugy, and his officer the gaoler. An Address was accordingly voted, praying for their dismissal. This was not complied with; but the Attorney-General (a during-pleasure official) sent a bill of indictment for murder against the gaoler, to the grand jury. This jury was nominated by Gugy, the Sheriff, an implicated party, and of course the bill was not found. No resort was had by the Attorney-General to an *ex-officio* process, though, if any case justified it, this did.

The whole proceeding was regarded as a mockery of justice, and Lord Gosford's character was much damaged by it. But the most important part of the case is to come. A newspaper, called 'La Minerve,' called the jury a "packed jury." The jury took immediate cognizance of the libel, presented it to the Court as such, and the Attorney-General, the baffled prosecutor, moved at once that a writ of attachment should issue against the printer, Duvernay; and for what, does the reader imagine?—*for contempt of Court!* The Court, without hearing evidence even to the fact of the publication, granted the attachment, and the printer gave bail. The next term, the defendant was served with interrogatories. "Are you proprietor of 'La Minerve?'" "Did you publish the article in question?" Duvernay, being on his oath, was obliged to answer "Yes." On this confession he was sentenced to thirty days' imprisonment, and to pay a fine of 20*l.* The Judge remarked that the proceeding was one of peculiar mildness, for it was left to the defendant himself to say whether he was guilty or not; from which, if it were not a mere claptrap, nothing could have been inferred but that the man was punished because he would not perjure himself.

The Colonial Office, upon being informed of these proceedings, disapproved of the conduct of the Court, but it took thirty days and more to enable the account of the facts to reach England; and the

House of Assembly, unlike our House of Commons, has not the power to impeach the Judges. The imprisonment was undergone, and the Colonial Office commiserated the victim.

How many patriots will perish in gaol this winter?

H. S. C.

No Grievance, No. 5.—Arbitrary Conduct of the Attorney-General.—We have seen that the great principle of the social agreement—the power of the people of Lower Canada over the public purse—has been violated; in fact, that the representation there is at an end. We have now to see that the liberty of the subject is no more, and that the laws which are made for his protection are being trampled under foot, in high places, with impunity.

That we may not be accused of exaggeration, we shall now state *facts*, to prove that the liberty of the subject is no longer secure in Lower Canada, and that the laws are insufficient to guarantee to him the preservation of this free gift of Almighty God.

A short time ago, a magistrate in Lower Canada, named Pinet, affixed on the door of the parish church at Varennes one of Lord Gosford's Proclamations against the holding of public meetings. A Dr Duchesnois, it is said, tore it down and scattered it to the winds. Pinet, in consequence of this act, had the Doctor arrested, and a bill of indictment against Dr Duchesnois, for "contempt of the Queen's prerogative" was laid by the Attorney-General before the grand jury at the last criminal term in the city of Montreal. The bill was *thrown out* by the grand jury. But what did the Queen's Attorney-General for Lower Canada do? What? why he immediately filed an *ex-officio* information against Dr Duchesnois, and thus had him indicted and arrested without the intervention of a grand jury, and on a charge of which he had been fully acquitted *according to law*. The practice of filing *ex-officio* informations is uniform with the acts of the execrable Star Chamber, but never since the gloomy period when that tribunal flourished,—no, not even by an infamous Jefferies,—has an *ex-officio* information been filed against any person after a bill of indictment against him had been ignored by a grand jury, except in *one instance*, which occurred in *Ireland*, in 1823. The legality of filing *ex-officio* informations at all has been questioned by the highest authorities in England; but where do we hear of it being considered legal to file *ex-officios* after a bill of indictment had been ignored by a grand jury of the country? As regards the case in Ireland, cited above, the House of Commons very properly instituted an inquiry into the circumstances, and the result was, that the proceedings against the parties were subsequently abandoned.

Besides the *ex-officio* filed against Dr Duchesnois, the Attorney-General of Lower Canada has filed others against Messrs Louis Bourguinon, Luc. Lefebvre, Francis Labelle, and Jacques Massie, for *conspiracy*. The Vindicator states that Messrs Labelle and Massie were in attendance during the term, in conformity to their bail-bonds, but that Mr Attorney-General did not submit any bills of indictment to the grand jury against them. The *ex-officios* were filed on the last day of the term.

Now, after this insult offered by her Majesty's Attorney-General to

grand juries, whose functions may now be said to be dispensed with in Lower Canada,—after these provocations, we may reasonably ask ourselves, whether we are living in a British country, and under British laws, or under some Eastern despotism.—[From the *Coburg Gazette*, Upper Canada.]

[The account of these proceedings is taken from an Upper Canada paper, published a few months since, in preference to the account given of it in Lower Canada. It will thus be seen what was the impression the proceedings produced in a province where there are few or no settlers of French origin. After the passing of the Resolutions of Lord John Russell, by which the influence of the House of Assembly over the Government and the administration of the law in Lower Canada was destroyed, the Attorney-General felt himself at liberty to exercise the authority of his office in the unjustifiable manner above related. An independent grand jury upon the occasion in question was an accident.]

No Grievance, No. 6.—Chisholme's Case.—This case is a remarkable one, to show how important an influence the House of Assembly of Canada exercised in preserving the due administration of the law, and how completely such abuses were overlooked by the agents of Downing street, until brought under their notice by the House of Assembly—not by the Legislative Council.

A Committee of the House of Assembly, appointed to inquire into certain charges made against Mr Chisholme, Clerk of the Peace of the Three Rivers, remark:—

"Your Committee have, moreover, to express their surprise, that the inferior officers of the Court of Quarter Sessions at Three Rivers, since the accession of Mr Chisholme to office, have acted the part of spies and informers, and that they have thus secretly, and without any responsibility on their part, caused many innocent persons to be wrongfully accused.

"It also appears that, for some years past, and particularly for the last five years, indictments for assault and battery have, in almost all instances, contained a count for an assault and battery with an intent to murder, and that, previously, indictments containing such a count were of very rare occurrence.

"This circumstance giving necessarily reason to suppose that the brawls and disputes which have occurred of latter years in the district of Three Rivers have been nearly all marked with a degree of ferocity, which the intent to commit the atrocious crime of murder must suppose, could not but particularly arrest the attention of your Committee. Unless otherwise explained, such a circumstance would induce your honourable House, and the province in general, to come to the conclusion, *that the mild and peaceable habits which happily form the character of the inhabitants of Lower Canada, and of the district of Three Rivers in particular*, have, in that district, almost instantaneously been changed for the worse, to the alarming degree that, with

few exceptions, every quarrel, generally of such petty consequence in the other sections of the province, has been there, for several years past, attended with violence and a thirst for blood."

After going through the various charges, the Committee came to the following resolutions:—

1. Resolved, That it is the opinion of this Committee, that David Chisholme, Esq., Clerk of the Peace for the district of Three Rivers, by persisting, for many years last past, in framing indictments on verbal information, and on depositions which do not contain facts to substantiate the crimes which formed the subject of the prosecution, has been guilty of oppression towards the subjects of his Majesty, of fraud towards the government in this province, and of high misdemeanours and malversation in his office, and that with the sordid and corrupt view of increasing his emoluments.

2. Resolved, That it is the opinion of this Committee, that by this conduct the said David Chisholme, Esq., Clerk of the Peace for the district of Three Rivers, has, inasmuch as in him lay, brought the administration of criminal justice in the Court of Quarter Sessions for the district of Three Rivers into dishonour and contempt; that he has been guilty of high misdemeanors, and is unworthy of the confidence of his Majesty's government.

3. Resolved, That it is the opinion of this Committee, that for the reasons above-mentioned it is expedient that an humble address be presented to his Excellency the Governor-in-Chief, praying that it may please him to make use of the powers with which he is vested, and dismiss the said David Chisholme, Esq., from the office of Clerk of the Peace for the district of Three Rivers, and of all other places of confidence in the province, and hereafter not appoint him to an office of trust herein.

Upon the case being referred to Lord Glenelg, a despatch, dated the 29th of November, 1836, was sent to Lord Gosford, from which these extracts are taken:—

"It appears from the evidence and returns delivered to the Committee of the Assembly, that although during the four years from 1827 to 1831, only five indictments had been preferred for assault with intent to murder, *no less than* 84 *such indictments were sent up during the five succeeding years;* that of the persons brought to trial on such indictments during the latter period *only six were found guilty of assault with intent to murder*, while 27 were convicted of simple assault; that in several of the depositions produced to the Committee there was nothing to justify the second count; and that Mr Chisholme, while vindicating the insertion of that count on the ground of verbal information given to him at the time, *was unable to specify any particular instance in which he had received such information*, or any party by whom it had been given.

"Such are the circumstances on which the charge is founded. The principal fact, viz., the insertion of the second count in cases where the deposition did not justify its allegations, is not denied by Mr Chisholme. In his evidence before the Committee, he endeavours, as has been already stated, to justify it on the plea of verbal information received at the time. In his memorial to your Lordship, he dismisses it without any comment, 'referring for his exculpation to the preceding pages, in which he asserts that he has already made

his defence' with respect to this particular subject. *I am compelled to state that this appears to me an unsatisfactory way of meeting the charge.* The preceding part of Mr Chisholme's voluminous defence, had, with the exception of a single sentence, referred exclusively to the charge of framing indictments without any deposition at all, *not to that of aggravating in the indictment the offence laid in the deposition.* Now, of the 84 indictments for assault with intent to murder, preferred between 1831 and 1835, only five appear to have been framed without a previous deposition on oath. Mr Chisholme, however, may perhaps mean to assert, that in vindication of the practice of framing indictments without depositions is included his exculpation for inserting in an indictment, partly framed from regular depositions, counts grounded on verbal information. But if this be his meaning, it is evident that the most important points of his defence on the former charge are inapplicable to the latter, inasmuch as he can neither assert that it had been in consequence of the hurry and confusion of the Sessions that such counts have been irregularly inserted, *nor can he show that his pecuniary interests were not benefited by the practice. On this point, therefore, Mr Chisholme's defence is imperfect.* It remains to be considered whether that portion of the report of the Committee which directly imputes to him a sordid motive for his conduct is sufficiently established by the facts stated.

* * * * * * * *

" After weighing with the utmost deliberation the facts laid before me, I am compelled to state that they are not in my opinion sufficient to justify me in affixing on him the stigma of having abused his authority from mercenary motives. As your Lordship had not suspended Mr Chisholme from his office pending the reference of his case to his Majesty's government, I presume that in this opinion you concur. Under these circumstances, the House of Assembly of Lower Canada will, I trust, acquiesce in the reasons which have prevented me from advising his Majesty to accede to the prayer of their address for Mr Chisholme's removal."

Lord Glenelg then refers to the character of the memorial of Mr Chisholme, which was written in the usual tone of Canadian officials.

" After making every allowance for the irritation under which he might probably be labouring, it is impossible to deny that there are many portions of that memorial which are quite indefensible. It contains passages altogether irrelevant to the matters in question, *and introduced apparently for the single purpose of giving occasion to arguments and opinions disrespectful to the House of Assembly, and offensive to all classes of his Majesty's Canadian subjects of French origin ; while denying the authority of the Assembly to inquire into his conduct, he has permitted himself to indulge in sarcasms ill-suited to the occasion, and in imputations on the members of the Committee not warranted by the facts.* You will convey to Mr Chisholme the expression of his Majesty's strong disapprobation of his conduct in this respect, and you will apprize him that if hereafter any repetition of such conduct should be brought to my notice, I shall feel it my duty to

recommend his Majesty forthwith to remove him from the public service."

Before the above dispatch arrived in Canada, the following information was communicated to Lord Glenelg by Lord Gosford.

Castle of St Lewes,
31st October, 1836.

My Lord,—It will be in your recollection that Mr Chisholme, the Clerk of the Peace and Coroner for the district of Three Rivers, stands accused by the House of Assembly of malversation in the discharge of the duties connected with the first-mentioned of those offices; and that in my despatch of the 12th of August last, I transmitted the whole of his case for the decision of his Majesty. Circumstances have recently transpired respecting this gentleman, which made it incumbent on me at once to remove him from all offices that he held under Government; and thus, should the step I have taken be approved, the consideration of the former accusations against him may become unnecessary.

Mr Daly, the Provincial Secretary, is charged by law with the annual issue of shop and tavern licenses, and the fee of 4*l.*, payable upon each, *forms part of the public revenue.* For the greater convenience of traders, Mr Daly appoints, in different parts of the province, agents, to whom he entrusts a certain quantity of licenses for distribution within their neighbourhood, and they are required to make periodical returns of the number they may issue, and to account to him for all monies received in return. Mr Chisholme was the person selected to act in this capacity for the district of Three Rivers, and was allowed as a remuneration for his trouble a fee of 2*s.* 6*d.* upon each license he issued. In the month of January, 1836, Mr Daly, for reasons not within my knowledge, ceased to employ Mr Chisholme, and their accounts were balanced and closed up to that period, without anything appearing to raise suspicion against the integrity of Mr Chisholme's conduct as agent. In the course of the last month, however, Mr Daly received information which led him to believe that Mr Chisholme had in several instances received money from individuals for licenses which were never issued, and that he had omitted to include the purchasers in his periodical lists of persons licensed, and to account for the price of such licenses."

After relating the mode in which an inquiry into Mr Chisholme's conduct was pursued, Lord Gosford concludes:—

"Enclosure, No. 11, also contains the certificates and observations that he has submitted in explanation of the several cases brought under my consideration; *but so far from establishing his innocence, they confirm, in my opinion, the charge made against him of having defrauded the public revenue.* Under this impression, I have dismissed Mr Chisholme from his situations of Clerk of the Peace and Coroner for the district."

FOR WHOM ARE WE ABOUT TO GO TO WAR?

"And the Locusts went up over all the land,—and rested in all the coasts:—very grievous were they; before them there were no such locusts as they, neither after them shall be such. For they covered the face of the earth so that the land was darkened; and they did eat every herb of the land and all the fruit of the trees."

The sole object of this Government, in so far as its Canadian policy is concerned, seems to have been to maintain, in the two Canadas, the domination of the few families composing the Canadian oligarchies. For no other class than the "distressed public servants of Canada" could Lord John Russell, during the debates of 1837, find sympathy. Their representations have been always listened to, whilst those of the suffering people have been treated with marked contempt and neglect. To this abominable partiality is owing the almost irretrievable difficulty into which Ministers have absolutely thrust themselves with respect to Canada. First they were told that the mass of the people were well affected, and that the discontented comprised only "a small clique at Montreal," namely, "the Papineau clique." Ministers were urged not to listen to their threats. Next came Mr Edward Ellice, who assured them "the Canadians would not fight." It was in vain that the friends of Canada assured Ministers that the disaffection was general—in vain were they reminded that the Canadians *had* fought bravely on many occasions. Ministers persevered in their oppressive policy, and the Canadas are now in arms.

Hereupon the language of the official family clique is changed. Ministers are blamed for not having coerced Canada much earlier. Why blame them, when they were assured that the people were both well affected and cowards?

Another misrepresentation of the official clique is likely to lead Ministers into worse difficulties. I mean that which asserted the contentment of the Upper Canadians and of the British inhabitants of Lower Canada. The official family clique has always endeavoured to make it appear that the quarrel was between French and English. In vain did the friends of Canada and of peace show that Upper Canada made similar complaints—that she expressed sympathy with the Lower Province, and that the British counties of Lower Canada returned members in favour of the views of the majority; all these representations were disregarded, and the official party alone listened to.

The Lower Canadians have answered the calumny touching their cowardice by "fighting like tigers," and Upper Canada has borne

testimony to the dishonesty or ignorance of her ruling faction, by raising the standard of insurrection.

The following table will give some idea of the nature of the Upper Canadian oligarchy. A similar table will hereafter be given for Lower Canada. For convenience sake the officials are grouped into families; but it should be remarked that, as the several families are directly or indirectly connected with each other by marriage, the whole may be considered as one family—that is, one family for each province. This connection might have been still further exemplified had we descended to the *Dii Minores.* We might, for instance, have pointed out several large families of daughters, who have become the means of linking together several families and individuals, including many of the Merchants, who form part of the ruling family power.

It should be remarked that the salaries of the officials, although they may appear moderate to English eyes, are extravagantly high, both when compared with the salaries paid to similar officers in the states, and when considered in reference to the general incomes of individuals in Canada. Properly, official incomes should be kept somewhat below professional and mercantile incomes. Ease, and the consideration attached to official employment, should make up part of the reward. In Canada, however, the public servants are raised to a dangerous eminence above the rest of the community.

THE OLIGARCHY OF UPPER CANADA.

I.—The Boulton Family. INCOMES.

1. D'Arcy; a Retired Pensioner . . . £500
2. D'Arcy, jun., son of No. 1.; Auditor-General—Master in Chancery—Police Magistrate . . . unknown
3. William, son of No. 1.; Church Missionary—King's College Professor, &c. 650
4. George, son of No. 1.; Registrar of Northumberland . unknown
5. Henry, son of No. 1.; was Attorney-General, with emoluments to the extent of 2,400*l.* a year. (He insulted Lord Ripon in his place in the Assembly, was removed from office, but afterwards promoted to the Bench of Newfoundland, where he exasperated the people by his violent partisan conduct.)

II.—The Robinson Family.

1. John Beverley; Chief Justice of Upper Canada—Speaker of the Legislative Council. (This man is married to a

Incomes.

daughter of D'Arcy Boulton, to the manifest strengthening of the official clique) 2000

2. Peter, brother of II, No. 1; Surveyor-General of Woods—Clergy Reserve Commissioner—Member of the Legislative Council. (He was Commissioner of Crown Lands also, but he was obliged to resign that office, worth 600*l.* a year) 800
3. William, brother of the above; Postmaster. (This man was a Government Contractor at the same time that he was a Member of the Assembly) . . . unknown

III.—The Jones Family.

1. Jonas; a District Judge in three districts; fills other offices. (This man is married to another daughter of I, No. 1) (about) 1000
2. Alpheus, J., brother of the above; Collector of Customs and Postmaster at Prescott—Agent for the Bank of Upper Canada 900
3. Charles, brother of the above; a Legislative Councillor, J. P., &c.
4. Henry, cousin of the above; Postmaster at Brockville, J. P., &c. . . . . unknown
5. T. Mercer; Manager of the Upper Canada Land Company. (Married to a daughter of VII. No. 7). His influence is great, but his income is . . . unknown

IV.—The Sherwood Family.

1. Levius, P.; a Puisné Judge. (This man married a sister of the Joneses, thus connecting himself with families I, II, and III) 1000
2. Henry, son of the above; Clerk of Assize, &c. . unknown
3. George, another son; Clerk of Assize, &c. . . ditto
4. Adiel, cousin of the above; High Sheriff and Treasurer of the Johnstown district . . (about) 800

V.—The Powell Family.

1. William Dummer; Pensioner—Legislative Councillor, and J. P. 1000
2. Grant; Clerk of the Legislative Council—Judge of the Home District Court—Official Principal of the Probate Court—Commissioner of Customs, J. P. . 675

VI.—The Jarvis Family.

Incomes.

1. Samuel Peters; Clerk of the Crown in Chancery—Deputy Secretary of the Province. (Married a daughter of V, No. 1) . . . . unknown
2. William M., brother of the above; High Sheriff of Gore. Income about 800
3. William B., cousin of the above; High Sheriff of the Home District . . . . (about) 900

VII.—Miscellaneous Connexions of the above Families.

1. John Elmsley (married a daughter of L. P. Sherwood, thus connecting himself with the Joneses, the Robinsons, and the Boultons); Legislative Councillor—Bank Director, J. P. . . . . none
2. Charles Heward, Nephew of J. B. Robinson, Clerk of the District Court 400
3. James B. McAulay, brother-in-law to 4 and 5, and connected by marriage with 6 and 7 below; a Judge . 1000
4. Christopher Hagermann, brother-in-law of No. 3, Solicitor-General. Income about 800
5. John McGill, brother-in-law of No. 3; Legislative Councillor—a Pensioner 500
6. William Allen, Legislative Councillor—A Manager of the Land Company, associated with III, No. 5, which see . unknown
7. John Strachan; once a Presbyterian Clergyman, but now Archdeacon and Rector of York—Legislative Councillor—President of the University, &c.; father-in-law to III, No. 5 1800

"This family connexion," says a Canadian writer, "rules Upper Canada (and the same remark applies to the Lower Province) according to its own good pleasure, and has no efficient check to guard the people against its acts of tyranny and oppression."

It includes the whole of the Judges of the Supreme Civil and Criminal Tribunal—all active Tory politicians."

"It includes half the Executive Council, or Provincial Cabinet"

"It includes the Speaker and eight other Members of the Legislative Council."

"It includes the persons who have the control of the Canada Land Company's monopoly."—(*Mackenzie's Sketches of Upper Canada*).

By means of the irresponsible Councils—a corrupt and partisan Judiciary—and the recent seizure of the public money, both the lives and fortunes of the unhappy people of the two Canadas are at the mercy of these families.

But—"Canada has no grievance!" H. S. C.

CANADIAN PORTFOLIO.

THE WANT OF AN ELECTIVE LEGISLATIVE COUNCIL NO GRIEVANCE!

THE following account* of the proceedings of the provincial Parliament of Lower Canada in the year 1835-6—the last in which any Act of Parliament was passed—was drawn up by E. B. O'Callaghan, M.P. for the county of Yamaska in Lower Canada.

It may first be observed :—

1. The dishonesty of Lord J. Russell in representing to the House of Commons that the demand for an elective Legislative Council was a mere idle and abstract proposition, and not a necessary reform springing from the abuse of the power of the Council.

2. In none of the measures rejected by the Council is there the slightest indication of hostility to the shipping, mercantile, trading, or emigrant interest. Indeed no measure injurious to British interests was ever proposed by the House of Assembly or desired by the Canadians. It is most false, and utterly without proof to assert that the Canadians ever endeavoured to do any thing affecting the English that was not of the most just and even humane character.

3. The Commissioners sent out to Canada were present during the sitting of the Parliament whose proceedings are related below, yet in their report to the House of Commons they have merely generally referred to, and have abstained to narrate the proceedings of the Legislative Council which they themselves witnessed! Was this honest? was it fair to the Canadians? was it excusable in them to report upon the constitution of the legislative bodies of Canada, without stating specifically the important proceedings they themselves had observed, showing the character of those bodies?

4. The "Constitutionalists" as the Tory or Orange faction in Canada call themselves, have themselves no single grievance to complain of. They talk about feudal tenures, and the want of a general registry office. The reform of the tenures of land the House of Assembly has endeavoured to amend, and if a register office in Lower Canada has

* In page 32 and 33 will be found a long list of Acts passed by the House of Assembly of Lower Canada in former years, and rejected by the Legislative Council.

not yet been established, it should be remembered that the landed interest in the House of Commons in this country, unanimously rejected a bill for the registration of lands. Nor, indeed, can the House of Lords complain of feudal usages.

5. The Legislative Council does not protect any public interest. The governor, however, is responsible, and is really in the place of our House of Lords in England. The abolition of the council would not sacrifice British interests. The governor would still possess a veto, frequently exercised in our colonies—and would be able effectually to prevent any legislation injurious to English interests, if, which it has never yet been, it should be attempted.

In the appendix to this pamphlet will be found a statement of the bills introduced and passed by the House of Assembly during the last session of the provincial Parliament, and sent up to the Council, and which were not returned, or which were amended by that body so as to cause their ultimate loss. It appears by the recapitulation annexed thereto, that in 109 sitting days *one hundred and seventeen* bills were introduced into the Assembly, and that *six* were received from the Legislative Council, making 123 in all.

There were, besides, 15 permanent committees appointed which made 62 reports, and 111 special committees which made 104 reports.

Thus far, the session was one of unexampled labour and industry on the part of a body, of which, on an average, there were not often more than 60 members in attendance.

In an Assembly such as ours, where the representatives are closely connected with their respective constituencies, living for the most part among them, and intimately acquainted with their wants, it is to be presumed that by far the greater number of the bills which passed the Assembly were required by the country. Yet what has been their fate?

Of 107 bills sent up to the Council, 34, or nearly *one third* of the whole, have never been heard of; and 15 have been so amended as to be rendered utterly useless, if not worse than useless. Thus nearly *one half* of the work of a session of five months continuance has been entirely destroyed, and the great expense of money and time which has been incurred by a protracted session, rendered utterly fruitless, by what has now become a systematic rejection of measures required for the public benefit.

If, on the other hand, we examine the labours of the Legislative Council, what is the most startling feature that strikes us? In a session of *one hundred and forty seven* days, that body produced *six* bills! one of which was to amend the road act, and the other—worthy offspring of such a parent!—to repress *Charivaris!*

It is true that during this period they were not idle; they were busy destroying nearly one half of the bills which the people's representatives had previously passed; thus, in the words of Neilson's Gazette in 1827,

"turning against the country the power with which they were invested for its benefit." Thus affording an incontestible proof of unfitness for their trust, and how strong is the necessity which exists of stripping them of their power and "disabling them, as we would public enemies, from perpetrating public mischief."

The most of the bills thus crushed and annihilated by our irresponsible JUGGERNAUT concerned closely, we might add, vitally, the public interests and prosperity of the province—the liberties and safety of its inhabitants. There was the QUARANTINE Bill, to prevent plague and pestilence from mowing the people down by tens of thousands: the JURY Bill, to prevent their lives and liberties being sacrificed by corrupt sheriffs, dependent for their existence on a more corrupt executive, and the Agent's Bill, to afford them some chance of escaping the miseries attendant on foreign legislation. There were *three* bills to diminish law expenses, and to enable the people, at a small price, to know what is the law of the land; a bill for the relief of insolvents, and another to prevent fraudulent mortgages: there were *three* bills to extend and continue our municipal laws, in conformity with the spirit which is guiding his Majesty's councils in England, and which has been expressed and recommended even in his Majesty's late speech from the throne; and another, to give to his Majesty's subjects inhabiting the parishes and townships in the country parts of this province, the power to manage their local concerns *on a similar principle to that which prevails in the neighbouring province of Upper Canada:* there were *three* bills to finish public improvements already commenced, and in an advanced state towards completion. These were, first, the bill to complete the Chambly canal, on which work £66,000 have already been expended and sunk, and which undertaking, instead of being a national honour, has been converted into a monument of disgrace to the Legislative Council, the creature and impotent screen of a government hostile to the improvement of the province—2d, the bill to complete the Montreal harbour improvement, and 3d, the bill to construct a lock at St. Ours, for the purpose of rendering the river Chambly navigable during the whole of the summer season: there was *the bill to indemnify the Governor for advances made on the faith of the House of Assembly, another to enable the government to pay the public officers a part of their salaries, without having recourse to robbery and spoliation of the public treasure:* and though last, not least, there were *two* bills to promote the EDUCATION of the rising generation, by the rejection of which nearly 1500 schools will be shut up on the 15th May, and nearly 40,000 little children of both sexes turned loose on the roadside, deprived of the opportunity of completing their studies, and exposed to the danger of losing in idleness, if not in vice, the fruits of years of patient and praiseworthy industry and application.

We might add to this frightful catalogue, other measures of public

utility which have been destroyed by our taskmasters, but our stomach rises as we proceed. We see before us only additional proofs of the bitter hatred that council entertains against the people, over whom an angry Providence has placed them in authority. *Every where is apparent the safety of the people jeopardized—their liberties curtailed and endangered—the advancement of the country obstructed—the education of its inhabitants impeded and arrested, and the public property exposed to that same system of mismanagement and pillage to which, like a sacked city, it has been delivered ever since the annexation of the province to the British crown.* Every item in the black list only strengthens the conviction that the Legislative Council of Lower Canada, in the words of John Neilson, 1827, have "turned against the country the power with which they were invested for its benefit"—that "they are unfit for their trust and ought to be stripped of it"—that they are "public enemies, and ought to be disabled from perpetrating public mischief."

Of the *thirty four* bills sent up to the Council and put by that body under the table, without being returned to the Assembly, the greater number were communicated to the Council before the month of March. Seven of them were sent up in the month of November, three in December, five in January, four in February. Of the remainder, twelve were passed by the Assembly previous to the 10th March.

Now, if "the lateness of the season at which they were sent up" caused the loss of so many bills, how came it, we ask, that the Legislative Council rejected those which were communicated to them in the months of November, December, January, and February? The lateness of the season at which these were sent up could not have been the cause. They surely were sent up early enough.

1. The Agent's Bill.—This Bill has been regularly introduced and passed by the Assembly every year, almost for the last thirty years, and as regularly thrown out by the Council.

The Imperial Parliament of Great Britain and Ireland, 3,000 miles distant, in which the people of this province are not, and cannot be represented, has most unconstitutionally taken upon itself to legislate on the internal affairs of this province—to dispose of our property without our consent—to play the same game here that it played in the old British colonies, and which terminated by the glorious revolution of 1776.

We shall cite a few examples of this unconstitutional legislation. During, or previous to the last war, the House of Assembly generously imposed *temporary* taxes on the people, in order to assist Great Britain to repel the American army, and to preserve a resting place on this continent. After the conclusion of the war, what did Great Britain do in return for this act of generosity on the part of the Canadians? By an Act of the Imperial Parliament (the Canada Trade Act)

she unconstitutionally and ungratefully rendered those temporary taxes *permanent*, in violation of the rights of the subject and of her own Declaratory Act, wherein she solemnly promised that she would not impose taxes on colonies having representative assemblies.

Again, in 1825, she threw into confusion the civil law regulating the tenure of property in this province, and passed an act introducing the English civil law among us, together "with all its incidents," as Judge Gale said—such as the law of primogeniture and entail, by which the eldest son is enabled to rob all his younger brothers of all share of their patrimony; and the English mode of conveyancing, by which a deed which formerly could be had for 7*s.* 6*d.* is made to cost five guineas, which John Neilson said, in 1828, "is more than the lot of land is worth." The following is the account of the effects of this British Act on property in this province, as given by this same Mr. Neilson, in his evidence before the Committee of the House of Commons, in 1828:—

"It is declared (by the Tenures Act) that, from 1774 down to the present time, the laws of England regulate the whole property in the townships. Now every man has divided that property according to the laws of Canada. I myself trusted persons upon the faith of their being possessors of land in that country under the laws of Canada; but it appears now that, according to the English law, *it was the eldest son that had all*, and they nothing, being younger sons, and *I have no security for my money!*" . . . . . "Men that thought themselves the owners of land in that country (the townships) are no longer owners of it; and it would be difficult to tell who are the owners of it."

Such are a few of the consequences which have resulted from the unconstitutional legislation of Great Britain in our internal affairs. Titles to property jeopardized, creditors robbed, and the younger children beggared.

But even this is not all. In the year 1834, the British Parliament passed another act, by which nearly a million acres of our land was conveyed away, for next to nothing, to a *company of foreign speculators and stock-jobbing blacklegs*, most of whom never saw this country. By means of this law, the produce of the labour of the people of the province is sent to England, to be spent in riot and luxury, and *a fund is established to place the local executive, and the office-holders of the province, beyond the control, and independent of our representatives.* The Governor's speech at the close of the last session of Parliament proves this: "I shall be under the necessity," says Lord Gosford, "of applying the revenues at the disposal of the Crown (that is, the Land Company money, and the land and timber fund) to the payment of the office-holders' salaries." Thus destroying all constitutional control of the Commons of the country over public servants!

To protect the people of this province against foreign legislation, of the miseries of which we have given above a few samples, our representatives in the House of Assembly resolved, in imitation of the other British colonies, on having an agent in England to watch over our liberties, and to prevent them being destroyed by British Acts of Parliament. The following is Mr. John Neilson's opinion on the subject: [*vide his evidence before the Committee of the House of Commons*, 1828.]

" The Parliament has reserved to itself the right of regulating our trade, and in fact it is the supreme Legislature of the empire, and we have found by experience that it has occasionally made laws that affect us. Now, we think, that *as we have no representation here* [in England], it would be conducive to the welfare of the colony, and probably to a better understanding of what is done here, *if there were a person resident here that might attend to those matters.* It may happen that there are abuses in the colony, concerning which it may be necessary to apprize the Government here. Now, if there are abuses, it would be better that there should be some persons authorised by the colony, and recognized by the Government, to make representations to the Government, so that the matter may be quietly examined into and adjusted; any abuses of Government there may be put an end to by instructions to governors. An agent would be able to make the colony understood to the Government of this country in some measure, and the Government of this country better understood to the colony, besides attending to the business before Parliament. . . . . " I believe that Nova-Scotia has had agents, New Brunswick has an agent, Jamaica has an agent; we have applied, since 1807, for an agent; and certainly, if there had been an agent, it would have prevented a great deal of alarm and ill feeling in the country.

. . . . . " The only object is, that the branches of the Legislature of the colonies may be heard in this country. It may be irregular in some respects, but there has been a necessity found for something of that kind. [*pp.* 94-5, 24*th May*, 1828.]

J. Stephen, jun., Esq., late counsel to the Colonial Department, and lately appointed to succeed Mr. Hay in the Colonial Office, on being asked if he saw " any objection to the Canadas having an agent, in the same manner that the colonies having Legislatures have agents?" answered [*vide his evidence before the Committee of* 1828, 24*th June*.]

" On the contrary, I should see great advantage in it. *I apprehend that the appointment of an agent for any colony is attended with the greatest advantage both to the Government and to the colonists.*"

" Has not the ground on which the appointment of an agent has been resisted in Lower Canada been, that the governor always said

that he was the only proper medium of communication between the Government and the colony?—I believe the governor has said that he was the representative of the colony. Language of that kind has perhaps been thrown out without much consideration."

All the efforts to have an Agent's Bill passed have, however, always failed. No reasoning, not even that of Mr. John Neilson, the head of the constitutionalists, has convinced our irresponsible council of the propriety of having an agent in England. Sir James Mackintosh, the luminary of English history, has been named and objected to. Mr. Labouchere, who is at present one of the British ministry, was named and has also been objected to; and so has Mr. Hume. Year after year this Bill has been thrown out, for it is the desire of the Legislative Council that the colony should not be understood by the Government in England. It is their wish that our lives, our liberties, our properties, and our dearest rights, should be at the mercy of men 3,000 miles off, most of whom know no more of Canada than they do of the moon. Is it just that the interests of the province should be thus perpetually in danger of destruction?

2. Removal of Troops from Places of Elections.—During the several elections the troops stationed in the city of Montreal have been kept under arms, ready to march at a moment's notice against the electors of this city, at the call of the Tory party. During the election of 1827, when Mr. M'Gill, now a member of the Legislative Council, was one of the Tory candidates, application was made by Mr. (now Judge) Gale, and Mr. Henry Griffin, the returning officer, and first signer to the muster-roll of the late *proclaimed* rifle corps, to have the military in readiness to shoot the electors of the west ward of this city. In 1832, at the request of Mr. Moffat, another member of the Legislative Council, and of Dr. Robertson, president of the Constitutional Association, the troops were called out and shot three of the citizens. In the late election at Quebec it was openly stated, that not only the troops were under arms, but that the *cannon* would be fired on the people in case of any disturbance, which the Tory party did all in their power to excite. Under such circumstances the representatives of the people would not have been doing their duty were they not to endeavour to remove those troops. For this purpose the above-named Bill was introduced. It is borrowed *from the British Statutes*, but with lighter penalties. The Legislative Council, several of whose members have the blood of our slaughtered fellow-citizens to answer for, and who still thirst for more blood, have thrown out this Bill. It would have been a barrier to their sanguinary projects: it would have been a safeguard to the lives of those people whom they hate with a deadly hatred. For these reasons it was rejected by that Council.

3. To abolish the Punishment of Pillory in certain Cases.—It was proposed by this measure to abolish this punishment in

cases of perjury, and, we believe, libel. It was rejected by the Council.

4. Parish and Township Officers.—The only objection the apologists of the Council can make to this Bill is, its being "a bantling of Mr. Child's, and that it exhibited the *elective* principle in full force." These truly are weighty reasons on which a legislative body acts. It is mainly founded on a similar Bill passed last year by the Parliament of Upper Canada, and which even the *Herald* of this city approved of at the time. It has been always a great outcry against the people of this province that they are opposed to contributing any thing directly to ameliorate their local condition. This Bill conferred on them, however, the power to assess themselves for certain local purposes, such as making roads or bridges, or building school-houses or town halls. As it enlarged the political rights of the people, our irresponsible Legislative Councillors crushed it at once. "It was an unimprovable monster," because "it exhibited the elective principle in full force!" and conferred on the people the power of regulating their own local concerns.

The following is "the difference between the state of things in Canada and in the United States," as described by Mr. Neilson in his evidence [*page* 86, 24*th May*, 1828].

"In Canada we have been plagued with an old French system of Government, that is to say, *a Government in which the people have no concern whatsoever.* Every thing must proceed from the city of Quebec and the city of Montreal, and persons must come to the city of Quebec and the city of Montreal to do every thing, *instead of being able to do it for themselves in their own localities.* In the United States they have the English system, by which every locality has certain powers of regulating its own concerns, *by which means they regulate them cheaper and better;* whereas with us, a man must make a journey to Quebec, he must go to a great expense: he must bow to this man and bow to that man, and rap at this door and at that door, and spend days and weeks to effect a little improvement of a road, or something of that kind, of common convenience to a district, whereas all that is done in the United States *without going out of his own small district.*"

Well, it was to put an end to this "old French system of government in which the people have no concern whatever," with which they are "plagued," and by which they are obliged "to make journies to Quebec, to go to a great expense, to bow to this man and to that man, to rap at this door and at that door," "to effect at an expense of days and weeks" any little improvement in their neighbourhood, and to introduce the good responsible "English system," by means of which the people can themselves "regulate their own little local concerns," that the Canadian House of Assembly have repeatedly

passed the Parish and Township Officers' Bill. So great, however, is the horror which the Legislative Council have to this English system, that they at once burked the Bill, and voted for the continuance of what Mr. Neilson calls the *French* system.

5. Attachment of Salaries of Public Officers.—This measure owes its origin to Mr. Lee, formerly the representative of the Lower Town of Quebec. It was to oblige the gentlemen office-holders to pay their debts. These gentry now run in debt, and laugh at their creditors, because their salaries cannot be touched.

6. Wounded Militiamen.—This was a bill to allow those brave men who were wounded during the last war in defending and preserving this province for "ungrateful" England, the means of more conveniently establishing their claims, and procuring that allowance for loss of health or limb which they so much merit. Should this province be again invaded, the neglect and insult which these worthy veterans now meet from the Legislative Council and their organs, may cost England the loss of a *fourteenth* gem from her diadem. Ingratitude seldom goes unpunished even in this world.

7. Repairing Highways and Bridges.—This bill, like the Parish and Township Officers' Bill, (No. 4) was to allow the people to regulate their local concerns as far as regarded roads and bridges. It allowed them to *elect* certain road officers, and to do their business without being troubled hunting after grand voyers who live at a great distance from them. But grand voyers are the relations or nominees of their patrons, the councillors. One is aid-de-camp to the governor. His fees must not be touched. Another is an executive councillor—the burthens of the people must not be lightened at the expense of *his* pocket. The Legislative Council were, however, determined to protect their "friends," and so put this bill on the shelf. "The whole system, as I said before, is hitherto a *French* system of government"---said John Neilson in 1828; "it leaves nothing to be done by the people." This is the system which the *Legislative* Council of this province is determined to continue.

8. To Regulate the Notarial Profession.—There is no profession, in our opinion, of greater importance to the public, and the proper regulation of which is of more consequence than this. Its importance will immediately be understood when it is considered that there is scarcely a transaction between man and man in the province but passes somehow or other through the hands of a notary. No contract is entered into; no immoveable property exchanged, sold, or leased; no marriage-deeds completed; scarcely any transaction of any consequence effected, without the intervention of a notary. It must be therefore admitted by all, that the proper regulation of the profession is a subject of the greatest importance.

By this bill candidates for the notarial profession were obliged to

undergo a proper examination before a board, and provision was made for the periodical inspection of the books and registers of notaries, thereby to insure the certainty that order, regularity, and care should be observed in such important departments. This bill passed unanimously in the Assembly, many of the members of which are practising notaries, lawyers, landholders, and merchants, who, without doubt, ought to be competent judges of what the public interests require. The apologists of the Council admit themselves that it is "much wanted;" and that with the amendments which Mr. Viger reported, principally suggested by the Montreal notaries, the bill would have been a good one. The Council, however, put it on the shelf.

9. Reprinting the Provincial Statutes.—Whoever is conversant with our Statute Books, is aware that they are incumbered with many obsolete or expired laws which are no longer in force. Our representatives have been desirous for a great many years to separate the living from the dead laws, and to have an edition printed containing only the laws and ordinances in force in the province, so that every man for a trifling sum may be able to know what is the law of the land, and direct himself accordingly. With this view they sent up to the Council the bill to reprint the Provincial Statutes.

A bill having a similar object to the present was sent up in the course of the last Parliament, to the Legislative Council, by which body it was amended. It being a money bill, the Assembly could not constitutionally permit the Council to amend it; but rather than the bill should be lost, passed another bill, *into which were introduced the Council's amendments*, and sent it up stairs. What will the public think of this Council, when they learn that they *threw out* the bill altogether, *even when it contained their own amendments?*

This year the same bill, with their own amendments, was again sent up, and again rejected!

10. Cessio Bonorum.—The Constitutionalists have long been loudly crying out for a bankrupt law in this province. The Assembly have for nearly twenty years been endeavouring to introduce the Scotch law of *Cessio Bonorum*, which provides that an unfortunate debtor shall have a discharge, on certain conditions, after he gives up any property he may have remaining, for the benefit of his creditors. The Legislative Council have always pertinaciously opposed the passing of this humane law. For what reason, not even their apologists can explain.

11. Maintenance of Court Houses and Gaols.—"This was objected to," say the apologists of the Council, "because it was a bill to tax the poor for the benefit of the rich." How humane, all at once, are our life legislators—our lords and taskmasters!

This bill provided for the maintenance of court houses and gaols in

the counties, by a light additional tax on law proceedings in those several courts. The same principle *has already been sanctioned* by the Legislative Council, in the case of the gaol of the St. Francis District. It was, indeed, first suggested by one of their own members! Now, however, they have taken a sudden liking to the poor, who they would wish us to believe they are anxious to protect. They who already threw out the bill obliging office-holders to pay the *poor* tradesman whatever they may owe him; they who, for the sake of a few hundred pounds, have been eternally rejecting the bill to give cheap laws to the *poor;* they who threw out the bill to provide for the *poor* wounded militiamen; they who threw out the Montreal Harbour Improvement Bill, and the Chambly Canal Bill, which would give work to the *poor;* they in fine who rejected the Elementary School Bill, the great object of which was the education of the *poor;* they to set up as the protectors of the poor against the rich! What hypocrites! Why, their every action during the last session gives the lie to the reasons which they offer for rejecting this bill.

12. To REGULATE THE MANAGEMENT OF THE JESUITS' ESTATES.—No public property in the province requires proper management more than these estates. Hitherto they have been administered solely for the benefit of a plundering set of harpies, whom neither shame nor conscience, nor public indignation, can force to let go the gripe they have obtained over them. One legislative councillor has got 26,000 acres of these estates, positively for *nothing*. Sillery Cove, even against the solemn promise of the governor-in-chief, has been secretly partitioned out, to the damage of the public interests, for hundreds of pounds below its value in the market, among men who have no recommendation but that they are warm partizans of the Legislative Council; stiff constitutionalists. Farms belonging to these estates, have been given to Government favourites for a *nominal* sum, three or four times less than the value; and so far from the capital being paid, the purchasers have not been even troubled for the interest. Portions of these estates have been alienated, to the admitted amount of nearly £15,000, of which not £2,000 were collected so far down as 1831. The Jesuits' College in Quebec, which has in the 19th century, and by the British Government, been converted into a *barrack*, is another instance of the disgraceful manner in which these estates have been administered.

To save the wreck of those estates, was the object of the bill before us. Instead of having them managed by a Commissioner, who has been convicted out of his own mouth of incapacity and ignorance, a proper establishment was provided, and means were also taken that the uncultivated lands belonging to the estates should be disposed of in convenient lots, to settlers willing to cultivate and reside on the same, instead of giving thousands of acres to legislative councillors

for nothing, or next to nothing. The Legislative Council, those great friends of the *poor*, threw out this bill which went thus to furnish the *poor* with farms under easy terms, because the Jesuits' estates are considered a "nest egg" for executive and legislative councillors, and the members of the Constitutional Association; and because the present commissioner is a legislative and an executive councillor, and one of those friends of the poor whose charity begins at home. The truth is, if the present bill went into operation, it would put an end to a shameful system of spoliation and corruption which has long been going on. As might have been expected, the Legislative Council therefore threw it under the table.

13. Printing and Distribution of the Laws.—This bill was to throw the printing of the Statutes, like the printing of the House of Assembly, open to competition. At present it is a monopoly given to the editor of the *Quebec Mercury*, and the editor of the *Quebec Gazette*, (by authority) as a reward for the constancy with which they defend the misdeeds of the office-holders, and abuse the House of Assembly. An idea of the jobbing which the public are the victims of at present, may be formed from the fact, that the present law-printers charge £558 11*s*. 10½*d*. for what can be done for £400, if the work was open to competition; and other work for which nearly £100 is charged, can, it is stated, be done for almost a tenth of that sum. It was with a view to economy of the public funds that the present bill was introduced. The Legislative Council threw out the bill.

14. To establish a Post Office.—At present, between £10,000 and £12,000 are sent to England from the Canadas yearly, by the deputy post-master-general; this being the excess of the receipts over the expenditure. By the Post Office Bill, it was proposed that this surplus should be kept in the country, to be expended in extending increased post-office accommodation and mails throughout the different sections of these provinces.

At present, Mr. Stayner, deputy post-master-general, appropriates £3,000 per annum to himself, whilst the post-masters who do all the drudgery, have *on an average* but £30 or £40 per annum. The proposed bill gave Mr. Stayner, the deputy post-master-general, £750 per annum, and the working post-masters an increased remuneration on the same scale as is established in the United States. Economy and responsibility was in other respects introduced into the department; the postage was reduced, whilst, at the same time, the revenue was not much affected. The Legislative Council, however, rejected the bill.

15. Further encouragement of Elementary Education.—Of all the bills rejected by the Council during the last session, the bill for the further encouragement of Elementary Education is the most important, and the one, the loss of which will be most generally felt

throughout the province. Whoever will imagine the existence, for six years, of from 1000 to 1300 schools, and the gradual increase of scholars in proportion; the sudden cessation of those schools, and the unforeseen deprivation to nearly 40,000 children of the means of instruction, will have it in his power to form some idea of the desolating effects which the determination of the Legislative Council in rejecting this bill will produce in this unfortunate province.

The representatives of the people were for nearly 40 years endeavouring to extend the benefits of education throughout the country. The Legislative Council, with its usual hostility, steadily opposed, until within a few years, all attempts to afford the people the means of instruction, except on conditions dangerous to the religious opinions of the Roman Catholic population, and now that opposition is again revived. In 1801, an Act was passed for the establishment of schools; they were to be under the management of a corporation. That corporation was not named until 1817, and when it was named, it happened to consist mostly of persons of one religion alone. The Protestant bishop, and the clergy of the Church of England were at the head of the corporation, and the great majority of the members were of the same church. This tended to confirm the suspicion of the people that this board (like the famous Kildare-street Society) was appointed not for the purpose entirely of educating, but rather of proselytizing the children from the faith of their forefathers. The children belonging to the mass of the population would not go to these schools, and in consequence they fell through. They have had very few scholars, and Mr. John Neilson (from whose evidence these particulars are taken, [*vide evidence, 5th June*, 1828,] states, that though they up to that time, had applied £30,000 of the public money, they had not educated 1200 children a year.

We perceive that the Legislative Council, in its resolutions of the 15th March last, rejecting the Elementary School Bill, recommends the organization of a central board of superintendence, by which the course of instruction may be more effectually ascertained *and directed*, and the expenditure of the public money more effectually applied. This is merely a revival of the Royal Institution under another form, which the council wishes to establish. We have already from Mr. Neilson's evidence before the committee of the House of Commons, shewn what stuff that "Central Board" was made of. We give another extract from the same evidence (24th May, 1828), in order that the public may thoroughly comprehend the difficulties which the government and its supporters, the Council and the Royal Institution, have thrown in the way of education.

Mr. Neilson is asked,—

"What are the peculiarities in the State of Lower Canada which

have occasioned it to remain so much behind the rest of the continent in point of information ?"

Answer. "The country is very much extended. It is difficult for the people to establish schools themselves. They had no authority until lately, even to hold property for schools; and under difficulties of that kind, it is natural to suppose that education would not spread so rapidly as in the United States, where, from the commencement, there had been a regular provision made for schools, on pretty much the same plan as in Scotland. In Lower Canada we have had nothing in favour of schools except the act of 1801, (the Royal Institution,) *which has done more harm than good*, with respect to the general advancement of education, for it alarmed the people with regard to their religion. The schools were under the control of persons that they considered adverse to their religion, and it was thought that it was attempted to get the whole of the children to school in order to convert them, *or pervert them*, as they called it, and it excited a great deal of alarm."

Anxious, above all things, to have the people educated, a bill was introduced in 1814, in the Assembly, by which it was proposed to establish a system similar to that established in Scotland, with some of the improvements of New England. Schools, by this act, were to have been established in the various localities—and the people were to have the power of assessing themselves for the purpose of maintaining those schools, and to appoint trustees, &c. Numbers of bills to establish schools in the province were introduced after this, and rejected by the same council, who would have no other act than the proselytizing act of 1801 and the Royal Institution.

Such is the history of education in Lower Canada, up to the year 1829, when the first Elementary School Bill was passed. *From that period to the present, the benefits of education have been widely and extensively spreading and taking deep root.* Its progress may be ascertained from the following fact. In the year 1829, the number of scholars at elementary schools amounted only to 14,753. In 1835, the number at the same schools amounted to 37,658, being an increase in six years of 22,905 scholars, independent of the augmentation to be expected in schools established by private societies in the cities, or by *fabriques* or vestries, in the country parts. In 1829, the proportion of pay scholars at these schools was 1 out of 2. In 1830, the proportion of pay scholars was somewhat less, being 8 out of 19. In the year 1835, the proportion of pay scholars was *more than two thirds* of the whole. The Legislative Council accuses the inhabitants of the province of relaxing in their exertions for the support of schools. Facts contradict the assertion. The following however will set the matter in a clearer light :—

1833.—No. of Scholars in Elementary Schools	-	29,377
Free - - -	10,744	
Paid - - -	18,633	
		29,377
1834.—No. of Scholars in Elementary Schools	-	32,309
Free - - -	10,193	
Paid - - -	22,116	
		32,309
1835.—No. of Scholars in Elementary Schools	-	37,658
Free - - -	12,498	
Paid - - -	25,160	
		37,658

The Legislative Council, in the report to which it agreed on the 15th of March last, state that their sole object is to consider the principle upon which it is expedient to grant public money in aid of general education, and the best manner of applying that principle, and having considered that question, *resolved* and "that it now becomes the duty of the Legislature to require the inhabitants of the province to contribute more largely by their own voluntary exertions, and with their own means to the establishment of a system of elementary education."

We have already shown, by the proportion of those who pay for their education, that the inhabitants contribute "largely" already to the education of their children. They have not had hitherto the legal power to assess themselves, or they would have done so. There are two principles on which elementary education can be supported; one, by grants of public money; the other the Scotch system, by which the people of each school district meet and assess themselves for the purpose of maintaining the teachers.

The House of Assembly, as will appear even by the partial extracts of their reports which the committee of the Legislative Council have made, have all along been of opinion that the expenses of those schools should be provided for by the people themselves. But at the same time they wisely recommended "*that the provision for elementary schools should not be abolished before a better system could be introduced.*" The Legislative Council however, *abolish the provision, and introduce no system on its ruins, thus leaving the people without the means of educating their children.* They have demolished the building which sheltered nearly 40,000 little children, without erecting another in its stead to receive the houseless.

The practice which has hitherto prevailed in this province of voting a portion of the public revenue for the encouragement of elementary education is not peculiar, or confined to Lower Canada, and its existence amongst us does not betoken any lukewarmness for, or indis-

position towards, the benefits of education. Large grants are yearly made by the Imperial Parliament, for the encouragement of education in IRELAND. We have before us the last report of the committee on education of the Parliament of NOVA SCOTIA for the year 1835, from which it appears that more than the fourth part of the expenses of common or elementary schools in that province, is borne by the provincial treasury. This committee in their report give it as their opinion "that the province is not yet ripe to assume the burden of maintaining a system of elementary education by an equitable assessment on the population according to their ability," and for that reason recommended the continuance of the legislative grant, and of the expiring act for two years longer.

It has thus been shown that neither the inhabitants of this province, nor their representatives, are behind other provinces similarly circumstanced, in their efforts for education. The representatives of the British inhabitants of NOVA SCOTIA declare, that the province is not yet ripe for the system of assessment, and prudently recommend the continuance of the legislative grant for two years longer. The representatives of this province provided in the last bill for the introduction of the system of assessment, but the Legislative Council, regardless of the prudence of our neighbours, moved only by its ancient hostility to the mental improvement of the people, rejects the measure altogether, and abolishes the legislative provision for the elementary schools, not only before any better system is introduced, but without making any provision for the wants of the community. Such wanton wickedness is unparalleled in any legislative body in the world. It is turning against the people the power with which it is vested for the people's benefit.—Before abolishing the existing system, they were in duty bound to provide some other in its stead. They incurred this responsibility towards society by the rejection of the Elementary School Bill. Having failed to acquit themselves of that duty—having thereby shown how unfit they are for the trust which they have assumed, the sooner they are stripped of it the better! the sooner they are disabled from perpetrating any more public mischief, the safer for society. To wage war against the public by depriving them of the means of education, betokens a malignancy of spirit, a determined and bitter hatred of the people, that cannot, that ought never to be forgiven. Let the people therefore with one accord demand the abolition of this Council, which has proved itself a public nuisance.

16. To PREVENT AND PUNISH THE FRAUD CALLED *Stellionate*.—The party opposed to the House of Assembly, and who maintain that they are only represented and protected by the Legislative Council, have been clamorous about frauds which might occur from *secret* mortgages. In the course of last session, the petitions which were presented on this subject, were referred to a special committee, which

on the 23d of February recommended the re-enactment of the bill under consideration; "convinced," says the report, "that the defects and inconveniences which are felt in the execution of our laws concerning hypothecations, are in no wise owing to the system itself, because the greater part of them did not exist in the country whence we derived these very laws, but are rather due to the construction which has been put upon the laws in question, and the manner in which they have been executed in this country, where they have never been administered in their true spirit and in their full extent."

"Among the causes above alluded to," continue the committee, "it is necessary to instance more particularly the absence of the laws for the prevention and repressal of the frauds committed in civil transactions, which were known in the ancient law of the country under the name of *Stellionate*. It cannot be doubted that by thus cutting off a principal portion of our law of hypothecation, occasion has been given to the greater part of the difficulties and inconveniences which have been complained of, and which have been *falsely*, and but too frequently, attributed to the whole system of law concerning hypothecation."

By the ancient law of the country, a man who would sell property, and conceal that there is a mortgage on it; or borrow money upon land or property, and declare that the land he mortgages is perfectly free, was declared guilty of fraud (*stellionate*) and was, upon discovery, liable to imprisonment until he paid the damage suffered. This salutary law was declared by the judges not to be in force. The object of the Assembly in passing the law under consideration (which was introduced by Mr. Gugy) was to revive the essential part of the law, so that the person guilty of fraud by concealing secret mortgages, should be punished until he should repay the damage inflicted. The Legislative Council, on the contrary, rejected the measure, which must be considered certainly an inconsistent proceeding on the part of that body which has cried out so lustily against "secret incumbrances."

17. Reducing Duties on Tobacco.—By the law now in force, tobacco imported direct from the United States, pays a duty of from 50 to 75 per cent; but tobacco imported from, or via, Upper Canada, pays only a duty of 20 per cent. The object of this bill was to equalize the duties, so that all tobacco imported should be liable only to 20 per cent duty. It is stated by the apologists for the Council, that "this bill was amended so that it should not go into operation before the 10th of October next, as it was considered *unjust* that an act *repealing* duties should go into operation immediately, there being heavy stocks in the country on which duties had been paid." We know not on what foundation this assertion has been made. All we know is, that the bill was never returned to the Assembly, either with or without amendments. The Council smothered it. *It was said at the time, that it*

was rejected because some of the members of the Legislative Council dabble in tobacco ; and their *private* interests would be affected by the reduction of the duties, and as it is well known that—

> "When legislative councillors are in the case,
> All other things of right give place."—

So this bill was thrown out on the principle that half a million of people ought to suffer rather than one life legislator should complain.

18. Six Months' Salary Bill.—The people of this province have been for more than twenty years' unsuccessfully demanding a redress of the multitudinous grievances under which they suffer. They have petitioned—sent home delegates—petitioned—begged and prayed; but all to no purpose. At last they refused the supplies in 1834, and again in 1835. In consequence of this firmness of purpose, a new Governor was sent out, who made the finest and emptiest professions imaginable, and promised the world and all, if supplies were voted. In the midst of this palaver, the Assembly discovered by the publication of the minister's instructions to Sir Francis Head, the Lieutenant governor of Upper Canada, that there was to be no *real* reform ; that all the fine professions were nothing but "blarney;" they voted a remonstrance to the Imperial Parliament, in which they said that they were determined not to be satisfied unless the abuses of which they complain should be redressed, and the changes demanded in the constitution granted. *Being unwilling to embarrass the administration, which made at the time some pretensions to honesty*, although it has since thrown off the mask, and now treads in the unconstitutional footsteps of Dalhousie and Aylmer, *our representatives voted a supply for* Six *months only, in order to allow the Government to be carried on until the minister's opinion would be received.* The Legislative Council, however, was not satisfied, and kicked out the bill. It was they say, "a disgrace to any country pretending to be civilized," to make use of its constitutional right to enforce the reform of abuses. When the negro was being flogged by the slave-driver, the latter kept scolding him all the time, to which Sambo objected, saying, "If ye floggee, floggee ; but no floggee and talkee too." Upon the same principle our representatives have gone. They considered it unfair that the country should be flogged and obliged to pay also. Whenever his Majesty's ministers resolve to lay by the cat-o'-nine-tails of oppression and abuses under which the province at present groans, the supplies, no doubt, will be "cheerfully" voted, but not until then. We will not pay and be flogged too.

19. Quarantine Bill.—This province was visited by cholera in the years 1832, 1833, and 1834. The pestilence, introduced by the river St. Lawrence, spread far and wide throughout the neighbouring states and provinces, and destroyed thousands in the first and last men-

tioned years. *To prevent the desolation being introduced again, the House of Assembly passed this bill, which was smothered in the Legislative Council.* Should the cholera revisit the province this year, and again turn our fair country into a vale of death, on those life-legislators be the awful responsibility. On their heads be the consequences. They will have to answer before God and the country, for the lives that may be lost!

20. To change one of the Places of Poll in the county of Missiskoui.—This bill was passed on a petition from the inhabitants of the section of the country to which it refers. The Committee on Privileges and Elections had recommended it. The two members of the county were examined before the Committee, and their evidence was in favour of the change of the place of poll from Frelighsburg, which is situated near the boundary line, to a more central and populous part of the county. The Legislative Council, not being in any way responsible to the people, took some whim in their heads, and rejected the bill. So much for Missiskoui county and its wishes.

21. To reduce and fix the Salaries of certain Officers of the Law.—It is calculated that litigation costs the people of Nova Scotia nearly £20,000 a year, exclusive of the time of jurors, witnesses, clients, by-standers, &c. We know not exactly what the same merchandize costs the people of this province, but certainly, we believe they pay too dear for their whistle. A special committee, of which Mr. Lafontaine was chairman, enquired, in the course of last session, into the amount of fees received by some of the officers of our law courts, the result of which was that the yearly incomes of

The sheriff of Montreal, amounts to . .	£1999	0	2
Two prothonotaries (each)	1500	0	0
Two criers (each)	482	0	0
Clerk of court of appeals (Quebec) . .	540	0	0

These emoluments being justly considered too high, the Assembly proposed that the sheriff's fees be reduced one-third; that the prothonotaries be reduced in the same proportion, and to pay £100 to the crier, and £80 to the tipstaff; the clerks of the peace to be reduced by one-third also, and to pay £30 to the crier of the court of quarter sessions.

The bill in question was to carry these resolutions and reforms into operation. The Legislative Council, which threw out the bill to compel public officers to pay their debts, put this bill also on the shelf. All bills having for their object economy in the public departments, or cheap justice for the people, or a diminution of the burthens which they are now obliged to bear, get no quarter in the Legislative Council. It is for the people, therefore, if they want cheap justice, to insist on an *elective* Council. Otherwise there is no salvation for them.

23. Appointing Commissioners to purchase the Seigniory of

Lauzon.— A Legislative Councillor (Sir J. Caldwell) made away with over £100,000 of the public money. After ten years' struggling and litigation, the representatives of the people succeeded in having *a part* of his property, the seigniory in question, seized by the sheriff, to be sold in liquidation of his debts. In order at the same time that the people should have fair play, and that the property might not be sacrificed, perhaps for the special benefit of some other of the tribe of life legislators—for there is nothing too small, nothing too vast, for their capacious maw—the Assembly pass a bill to appoint commissioners to look after the interest of the public. These commissioners were authorized to purchase the property for the province, should they perceive it about to be sacrificed. As the Legislative Council are not *elected* to promote the interests of the people, but nominated by the royal prerogative to look after and protect their own interests—to take care of No. 1—they sent this bill to sleep its long sleep along with the others which they *Lynched.* It is more than probable, therefore, the seigniory of Lauzon will fall to the fortunate lot of some of our lords, or their favourites ; and that the public interest will be but a secondary consideration. This is some more of the fruits of irresponsible legislators appointed *for life*, instead of being controlled by the wholesome principles of responsibility and periodical *election.* Our neighbours at the other side of the line manage their matters better. Legislators there are the servants, not the masters of the people, as they are unfortunately with us.

24. To complete the Chambly Canal.—This important work was undertaken in order to render the navigation uninterrupted between Lake Champlain and the river St. Lawrence. The whole work, with the exception of *a mile and a-half* of excavation, and a few locks, is finished, at an expense of £66,000. The House of Assembly voted £28,000 this year, to complete the canal. The bill was thrown out by the Legislative Council!

The mischief entailed by the rejection of this bill was incalculable. In the first place, the £66,000 already expended, will most probably be a dead loss ; for private letters published in the Montreal *Courier*, state that the canal is, in many places, filled up, by the banks falling in. In the second place, £28,000 is kept out of circulation, to the great injury of the working classes, and of the emigrant population, who, on arriving in the country next year, will be deprived of so much employment, and forced either to go to the United States, or to Upper Canada, where public improvements are carried forward on a great scale.

It is a curious feature in the affair to find the Legislative Council, which has for so many years been vaunted by the constitutionalists as the friends of emigration, the friends of internal improvements, of commerce, &c., now opposing the completion of this canal, so closely allied to the interests of emigration and commerce. The House of

Assembly used to be, it was said, the great enemy of internal improvements, of commerce, and of emigration. Now, however, they vote £28,000 for the direct promotion of these interests, and the Legislative Council, the strong-hold, and last refuge, of all that was for the improvement of the country threw out the bill! This truly was a novel way to advance the improvement of the country—to encourage emigration, and to promote the interests of commerce.

25. To construct a Dam and Lock at St. Ours.—This was another internal improvement smothered by our life legislators—our *Lords* and taskmasters. The river *Richelieu*, for certain months in the year, is not navigable for steam-boats and other river craft. It was proposed to build a dam across the river, and a lock at *St. Ours*, and thus render the communication between the Chambly canal and the river St. Lawrence uninterrupted during the entire season of the navigation. For this purpose, £9,000 were voted, which together with £4,000 already granted for the same object, made a sum of £13,000. The Legislative Council threw the bill under the table, for the same reasons that they *burked* the bill to complete the Chambly canal, and thus afforded another proof of their great friendship for internal improvements, emigrants, and commerce.

26. Repeal of several Clauses of the Tenures Act.—The only objection to this bill that the apologists to the Legislative Council can find is, that it is an attempt at *Imperial* Legislation. Now we are not such *men*-worshippers as to respect what the Imperial Parliament does, if we find it *bad*, and to submit patiently to it because the mischief is theirs. Whatever is mischievous, or injurious to society, or an attack on the constitutional rights of the people of this province, we wish to remove or repel, whatever the quarter be whence it proceed. With a different spirit to this we would be slaves; and what is worse, *contented* slaves.

Of the injurious effects of the *Tenures* Act, passed *unconstitutionally** by the British Parliament, we have already spoken in our remarks on the *Agent's Bill* (No. 1), to which we beg to refer the reader. We shall here subjoin the remarks of Mr. Roebuck on the same subject, as they are to be found in the article entitled "*The Canadas and their grievances*," published in the second number of the *London Review*.

"It is said that the Canadians are blindly attached to their old French customs . . . . When we endeavour to learn what these old French customs are, which so much offend these enlightened friends

* "Parliamentary legislation on any subject of exclusively *internal* concern in any British colony possessing a representative Assembly, is, as a general rule, *unconstitutional*."—Lord Glenelg's *Instructions to Sir Francis B. Head, Lieutenant Governor of Upper Canada, dated Downing Street, 15th Dec.* 1835.

of Canada, they resolve themselves entirely into the tenure of land now existing there; and it is the supposed attachment to this tenure which has given rise to the extraordinary outcry regularly raised when the subject of Canada is mentioned, either within or without the walls of Parliament. The French Canadians wish, it is asserted, to preserve the mischievous tenure of lands, called the tenure *en fief et Seigneurie*, and this renders it absolutely necessary to perpetuate bad government in their country, because such a wish is wholly incompatible with the enlightened spirit of the present age. Such are the supposed facts.

"It would be well, in the first place, to understand what the tenure complained of really is; and secondly, to ascertain the truth as to the wishes of the Canadians respecting it. Lord STANLEY, with that peculiar precision and accuracy which distinguishes him, asserted, that there existed in Canada a feudal and barbarous system; whereupon, without doubt, his hearers fancied that the system prevalent in Europe in the fifteenth and sixteenth centuries now exists in Canada. The tenure *en fief*, in Canada, signifies nothing like it—meaning only that the Seigneur, like a Lord of the Manor, possesses an estate, which in Canada is called a Seigneurie, much like that which in England is called a Manor, the difference being in some matters favourable to the Seigneurie.* Under the Seigneur there are certain freeholders called *censitaires*. The Seigneur holding of the King, pays him certain dues and fines; the tenant holding (for ever) of the Seigneur, pays him a rent. Now respecting this rent there is no complaint.† The obnoxious incidents of the tenure are those of which we are now about to speak. Upon every transmission by *sale* of the *censitaire's* "*holding*," to use an English law phrase, a fine is due to the Seigneur, much in the same manner as in England is the case with copyholds. The fine is one-twelfth of the purchase money; this fine is termed *lods et ventes*. Besides this, the Seigneur, if he pleases, may himself take the land, paying the whole purchase money; this is called his *droit de retrait*. Furthermore, the *parens* (relations) in certain degree, of the *censitaires*, have also the power of preventing the estate going out of a family, if they please, by themselves purchasing it. This is called the *retrait lignager*. The Seigneur has, also, within his Seigneurie, the exclusive right, under certain conditions, of grinding the corn of his tenants. This last power exists in many places in England.

* The Seigneur has no jurisdiction of any kind, like the Lord of the Manor, though Lord STANLEY seemed to suppose that he was still a judge as well as landlord. It would be well also to remark that the Seigneur is obliged, by the French law, if he have any wild lands unconceded, to concede a certain portion of it on demand, and at a certain quit rent, to such persons as may require to settle on it. The proprietor of free and common soccage lands is not under the same obligation.

† Except in Seigneuries held by English Seigneurs, where the rent (*cene et rentes*) exacted are excessively high and oppressive to the *censitaires*. Various instances might be cited.—*Editor.*

"Now that this tenure is a bad one, we acknowledge; the Canadians acknowledge the same. It is chiefly bad for the same reason that tithe in England is bad. It taxes improvement. But because the tenure is a bad one, that is no reason for robbing the Seigneur, by depriving him of his rights without a fair compensation: neither would it justify the interference of persons ignorant of the laws of Canada, who, by their ill-judged endeavours to remedy the evil, would create one yet more mischievous. The Canadians, by their representatives, say that they are exceedingly desirous of rendering this tenure of land a beneficial tenure; they are willing, and even desirous, to devote their best endeavours to that end; but they most strenuously deprecate the interference of the Imperial Legislature in such matters, and assert that by the ignorant attempts of our legislators on this side of the Atlantic, they have been deprived of the power of effecting the end desired. The case of the tithes in England is one precisely analogous to this of the tenure *en fief* in Canada. The English demand a change of this property; the Legislature desire to change it; but it is said that there are great difficulties connected with the subject, and therefore delay has arisen. The case has been precisely the same in Canada. The tenure *en fief*, be it remembered, is not obnoxious on the additional ground of being a tax for service, which in some cases is not desired, and in others not rendered; therefore, in this case, there is not the strong and pressing reason for immediately changing it, which exists in the case of tithes. Moreover, the great body of the people are willing that their representatives should act with care, and without haste; they do not press them to hurry on a change; they are willing to wait until all precautions shall have been taken to render the change efficient and beneficial. But suppose that some one should state that the delay on the part of the English Parliament respecting tithe, was a proof that they were attached to old and mischievous institutions; that they were wholly behind the present enlightened age; and that, therefore, we should solicit the assistance of the CONGRESS of the UNITED STATES to aid us in legislating on the matter of tithe. Such a proposition would very properly be scouted, and on the same grounds as ought to have been the interference of the English Parliament in the matter of Canadian tenures.

"While the peculiarly enlightened friends of Canada are complaining of these tenures, and attempting to remedy the evils arising from them, they have by their attempts introduced a greater mischief than any that could result from the existence of the old law. By introducing the law of England, they have produced so great a confusion in the law, as to render every title insecure, and farther, *they have introduced the right of* PRIMOGENITURE. This right is contrary to the prevalent feelings of the people of America; it is contrary to all the institutions of the land, and creates disgust among all classes of the

people. The House of Assembly, therefore, feel themselves justified in resisting the interference of England, and are not fairly chargeable with bigoted adherence to their own customs, because they will not consent that persons ignorant of their institutions and circumstances should attempt to improve them."

John Stephen, Esq., late counsel to the Colonial Department, and since appointed to succeed Mr. Hay in the same department, on being examined, on the 24th June, 1828, by the committee of the House of Commons on Canada affairs, touching the inconveniences arising in the country from land being held under different tenures, gave it as his opinion, that serious impediments to the right execution of the law would arise in a country like Canada, when to the difference of tenure you superadd all the consequent varieties between the modes of conveyancing, and between the rules of law applying to a French *fief* and an English freehold.

This gentleman does not apprehend any difficulties to arise as to the law of descent, were the Canadian Tenures Act not to have been passed, and the law to revert to the state in which it stood before the enactment of that statute. "The French law of descent, whether convenient or otherwise," he says, "is, at least, intelligible and well known. Supposing, on the other hand, that the English law respecting real property, in all its strictness, has been induced upon the soccage lands in Canada by the Tenures Act, the difficulties will, I apprehend, be found quite insuperable . . . . . I suppose that the courts in Canada would be somewhat perplexed if they had to try a real action, or to apply the law of contingent remainders to the lands in these townships. There is no end to the illustrations. What would they make, for example, of a term of years in trust to attend the inheritance!" "Wherever English colonists," says the same gentleman, further down, "find any of the continental codes in force respecting the conveyance of land, they have clung to it with great eagerness, and have congratulated themselves on their deliverance from a heavy burthen. This is especially the case with the Dutch law in Demerara, the Spanish in Trinidad, and the French in St. Lucia."*

From the above opinions of gentlemen conversant with the question, and with the injustice committed, and the baneful effects produced, by the passing of the Tenures Act by the Imperial Parliament, some idea may be formed of the necessity there exists to repeal that act. The laws regulating the titles to property have been disturbed; forms unknown to our courts have been introduced; primogeniture has been established; and, according to Mr. Justice Gale, the English law, with all its unintelligible and intricate "incidents," has been introduced. It

* *Vide* evidence of J. Stephen, Jun. Esq., before the select committee of the House of Commons on the Civil Government of Canada. *Vide* also Mr. John Neilson's evidence before the same committee.—*Ibid.* pp. 80, 81, 95.

cannot be considered strange, therefore, if the representatives of the country have complained of these unconstitutional encroachments, and endeavoured to get rid of an act producing and entailing so many unfortunate consequences.*

The Canadians were told by his Excellency the Governor-in-Chief, at the opening of the last session of the provincial parliament, " not to fear that there is any design to disturb the form of society under which they have so long been contented and prosperous. However different from those of her colonies in other parts of the world, England cannot but admire the social arrangements by which a small number of enterprising colonists has grown into a good, religious, and happy race of agriculturalists, remarkable for their domestic virtues, for a cheerful endurance of labour and privations, and for alertness and bravery in war. *There is no thought of endeavouring to break up a system which sustains a dense rural population, without the existence of any class of poor.*"

" The form of society," so long producing such contentment and prosperity, *has* been disturbed; " the social arrangements" *have* been thrown into disorder; the British Parliament, we impeach of " a design"—of having " endeavoured," by the passing of the Canada Tenures Act, to break up the system so lauded by Lord Gosford, by command of Lord Glenelg; and, whilst they persist in retaining that law on the statute book, their professions will be considered as the professions of hypocrites, and will only furnish proofs of their insincerity and dishonesty. If they mean what they say, let them repeal the obnoxious statute, which the Assembly of this province has attempted to do, but which the legislative council—the creature—the mouth-piece—the slave of a dishonest and hollow-hearted executive, has prevented them from doing. Over and over again has the repeal of that act been demanded by humble petitions both by the people and their representatives. In return for their prayers, they get mouthfuls of unmeaning professions, which only expose the dishonesty of that cabinet and government which can readily make them, but cannot be got to act up to what they profess.

A cry, we know, has been raised by the political enemies of the Assembly, that by the repeal of this act they wish to change the

* The laws which regulate a man's property, which regulate the inheritance of his children, and all that, are always dear to every people; they must be very bad laws indeed if people do not get attached to those laws under which they have lived for a great length of time, and under which they have enjoyed the security of their property. The moment you talked about changing the laws, that moment there was an alarm excited throughout the country; it would be the same thing if you talked of changing the laws that regulate property in England or Scotland.

Do you allude to the act called the Canada Tenures Act? Yes.—*Evidence of John Neilson, Esq. before the Canada Committee*, 1828.

tenure of free and common soccage lands in the townships into that under which lands in the Seigneuries are held. Nothing can be more false than this accusation. In the first place the Canada Tenures Act does not affect the *tenure* of free and common soccage lands in this province at all. Its provisions *apply to the seigneurial lands*, the tenure of which it is thereby intended to convert into that of free and common soccage. *It was for the seigneurial lands it was passed, and not for those held in free and common soccage. The free and common soccage tenure was established long before the existence of that act.* It existed before any such statute was on the book. Moreover, there is a similar tenure in the French law. *The repeal of that act, therefore, could not in any way affect free and common soccage lands.* Under these circumstances, nothing could be more false—nothing more malicious—nothing more directly contrary to fact—than the assertions which the enemies of the Assembly have made, that by the repeal of the Canada Tenures Act it was intended to change the tenure of the township lands from free and common soccage into that under which lands in the seigneuries are held. The people of the townships are contented and happy under the soccage tenure, and demand no alterations therein. The same freedom of opinion—the same privilege of judging what is for their good, which they demand and possess, the Canadians desire. That is, the free and undisturbed existence and possession of that tenure and system of law with which they are acquainted, and "under which they have been so long contented and prosperous," and as they are unwilling to disturb others in their property, they demand that they be not disturbed by others in the possession of theirs. This is but justice. "Of their laws of succession, of tenures, and all others bearing on their domestic and personal condition," says Mr. Jeremie, late Attorney-General of the island of Mauritius, speaking of the inhabitants of that ancient French colony—"that is the best which pleases best; let them retain theirs as long as they think proper. Every stranger settling permanently in a country is bound to concede much, and make himself sufficiently acquainted with the practices and usages of that country." The same sentiments do we echo in regard to the laws of succession and tenure in this province; that is best which pleases best; let the Canadians therefore retain theirs as long as they think proper. *Should any imperfections exist, no doubt they who are most interested will soonest discover them, and be the first to remove them for their own sakes.* To this, however, the repeal of the Canada Tenures Act must be a preliminary step, for so long as that is on the statute book, there is no security against further unconstitutional encroachment—there is no security against further unconstitutional legislation on the part of Great Britain. The evil consequences of this, as regards the tenures in this province, we have endeavoured to point out to the best of our ability in the preced-

ing remarks. We trust they will sufficiently explain the paramount reasons which the Assembly of this province had for introducing and passing the bill under consideration. The security of the people's property, and of their own independence, required it. The same reasons, no doubt, urged the Legislative Council to reject the measure.

27. To continue the Acts incorporating the Cities of Quebec and Montreal.—" Municipal institutions (says M. de Tocqueville) are to liberty what primary schools are to knowledge; they bring it within the reach of the people, give them a taste for its peaceable exercise, and practice in its use. Without municipal institutions, a nation may give itself a free government, but it has not the spirit of freedom. Transient passions, momentary interests, or the chance of circumstances, may give it the outward forms of independence; but the despotic principle, which has been driven back into the interior of the body politic, will sooner or later re-appear at the surface."

Mr. Peter M'Gill and Mr. George Moffatt were in 1827, no doubt of the same opinion as M. de Tocqueville, for we find the former gentleman proposing, at a meeting of magistrates held on the 16th Dec., 1827, in the court house of this city, that a public meeting of the citizens be held on the 4th Jan. following, " to take into consideration the propriety of petitioning the legislature for the incorporation of the city of Montreal," which motion was seconded by Mr. George Moffatt, and carried. On the 4th Jan., 1828, the meeting was accordingly held, Mr. George Moffatt in the chair. The following account of this important meeting we find in the papers of the day.

" Mr. Peter M'Gill opened the business of the meeting by some *excellent*, *judicious*, and *lucid* observations on the subject for their consideration. He dwelt in a forcible manner on the several advantages which have accrued to cities that enjoy an *elective* corporation. He instanced many cities, and cited many authentic facts. He urged that it was the duty of the citizens of Montreal to obtain for themselves also the advantages of such a regimen. *Even if there should in the beginning be some slight difficulties in the practice of details, experience would soon relieve them,* especially as the citizens could not but be zealous, observant, and attentive in the conduct of a system intimately involving their comfort, their conveniences, and the security and value of their properties."

" Messrs. Viger, Papineau, and Rolland addressed the meeting, as did Mr. George Moffatt. This gentleman spoke with great good sense and judgment."

The resolutions which were adopted by this meeting were proposed by Mr. M'Gill. After reciting the various inconveniences which were experienced under the old system—under the system to which we are on the eve of returning—Mr. M'Gill proposed " that the inhabitants of the city are the best judges of what is necessary for the promotion

of its prosperity; that in other countries, particularly in the United Kingdom, great public benefit is acknowledged to have arisen from the measure of confiding to the inhabitants of towns and cities, the care of regulating their municipal interests, and that the establishment of an elective corporation for Montreal would accelerate its general improvement, tend to the better regulation of its police, and correct what is at present defective in the administration of its fiscal concerns," which resolutions were duly seconded and carried, and a petition to the legislature drafted accordingly.

In the course of time, the act of incorporation was granted—and being about to expire, a bill was introduced and sent up to the council to improve it. This bill was altered in such a manner as to be totally unmanageable. Seeing this, the Assembly passed the bill, now under consideration, *simply to continue the expiring bill*, acting on the Moffatt and M'Gill principle, that "the citizens are the best judges of what is necessary to promote the prosperity of the town," and that the establishment of an elective corporation would accelerate the general improvement of the city, tend to the better regulation of its police, and correct what is defective in the management of its fiscal concerns. But, *varium et mutabile semper*, Messrs. M'Gill and Moffatt oppose, in 1836, what they advocated so warmly in 1827, and the bill to continue the Corporation Acts was *Lynched* accordingly.

Such are the sort of legislators with which Lower Canada is afflicted.

28. Contingent Expenses of the Legislature.—In 1834 and 1835, Lord Aylmer refused to advance the money necessary to defray the contingent expenses of the Assembly, until that body should cover, by bill, a few thousand pounds which had been already advanced. The Legislative Council party supported Lord Aylmer's determination. The House introduced a bill last session to cover the contingencies advanced since 1832, the period when the last supply bill was passed, including the £22,000 advanced this year by his Excellency Lord Gosford. Strange to say, the Legislative Council refused to pass the bill to cover those contingent expenses, notwithstanding they and their party, with Lord Aylmer at their head, have been so clamorous about them. Like the soldier at the triangles, there is no pleasing them, strike high or strike low. If the bill is delayed, they become clamorous; if passed, they reject it. Was ever caprice equal to this?

29. To limit the Number of Passengers coming in Vessels.—There never was a bill, the passing of which would have been more acceptable to the friends of humanity, than this. The miseries experienced by emigrants from the old country, in their passage out to the colonies, have been in many, alas, in too many cases, of so distressing and loathsome a character, that the traffic of transporting persons to America has long been known, says Mr. M'Gregor, in his "*British America*,"* by the emphatic cognomen of "the white slave trade."

* Vol. ii. p. 528. Edition, 1833.

"A ship of the worst class," says the same author, "ill found with materials, and most uncomfortably accommodated, is chartered to proceed to a certain port where the passengers embark; crowded closely in the hold, the provisions and water indifferent, and often unwholesome and scanty, inhaling foul air, generated by filth and dirt, typhus fever almost inevitably is produced, and, as is well known, many of the passengers usually become its victims." The instances cited of the sufferings of emigrants, in consequence of the avarice and greedy desire of gain which prevails over all feeling of humanity, in the persons engaged in this traffic of human life, are most numerous.

With facts before them of such a nature as to call for interference, the Assembly would have been culpably negligent had they not endeavoured to put a stop to such a shameful disregard and sacrifice of human life. In the United States, a law has prevailed for a long time, regulating this trade, the effect of which has been that suffering among passengers arriving at those ports is never heard of. No instance has been known of a case of Asiatic cholera having been brought to the States from beyond the seas. The misery apparent on board an emigrant vessel coming up the St. Lawrence, is, on the other hand, familiar to all, and our country has been ravaged by cholera twice imported from beyond the seas.

The United States law was taken for the basis for the bill introduced by Mr. Leslie, allowing two passengers to every five tons. Those interested in loading vessels coming to this province with human beings, and for whose health or comfort they care not a stiver so long as they can make money, say that the bill would have the effect of checking emigration. "So great is the amount of tonnage now employed in the Canada trade," says the Report above quoted, "that though the number of passengers was even limited to one for every six tons, there would be still sufficient to transport a greater number of emigrants than have arrived at Quebec in either of the two past years." The Legislative Council have with their usual wish to promote the public welfare, thrown out this humane bill, for what reason we scarcely know. It is said to be a favourite measure of Mr. Leslie's, and they call it an attempt at *imperial* legislation. If they refuse the bill for no other reason than that it is a favourite with Mr. Leslie, they prove most conclusively what sage legislators they are. As for the *imperial* part of the objection, we doubt if the emigrant or the colonist would care much where the idea came from, of limiting the rapacity of the traders in human flesh, so long as the poor passengers' health was protected, and the province preserved from periodical desolation. The truth is, there are some in that Legislative Council who consider it more their duty to protect the interests of traders and speculators at the other side of the water, than of the people of this province. *Money* is their god, and they care not who suffers, so long as they and their friends are unscathed in purse or prospects.

30. Duel Bill.—To prevent the effusion of human blood. The *Honourable* Council being the guardians of all "affairs of honour," threw this bill out, to keep company with the Quarantine Law, and the Passengers' Bill, which provided for the security of the public health. Oh! how grateful must all widows and orphans be to our Legislative Council. Gil Blas informs us that Dr. Sangrado made, in the course of his practice, as many widows and orphans as were left after the siege of Troy. Should our life-legislators continue *their practice* much longer, we would not be surprised to learn that they outrivalled in their list of slain even Sangrado himself.

31. Commissions of Lawyers.—By the present system, lawyers hold their commissions (*risum teneatis*) during pleasure, and are obliged to pay three guineas for each of the aforesaid commissions. This bill provided that they should get their commissions for a few dollars, and that the objectionable tenure should be done away with. The Legislative Council put the bill on the shelf. It touched the pockets of some of the office-holders, by diminishing their fees; and as the Council protect the office-holders against the people, and not the people against the office-holders, the bill was naturally thrown out.

32. Closing of Inventories.—When a man dies, possessing property, his widow or executors are obliged now by law to have an inventory made of all the property by a notary, who administers an oath obliging the person to make a true return, and not to conceal anything. This inventory is returned to the Court of King's Bench, where the person (widow or otherwise, as the case may be,) is obliged to attend to make an affidavit before the judge that she has given in a fair return, and concealed nothing; and that should she at any future time discover that any thing was omitted, she will make it known. Well, to take this second oath, persons in the country parts have to come to town to the judge—some from a distance of thirty, forty, fifty, or sixty miles, at a good deal of expense both of money and time; and, moreover, when they do come, they have to pay a fee to the prothonotary, for some writing or other. It was to remedy this onerous and expensive proceeding, that the bill for the closing of inventories was passed by the Assembly. By this bill it was provided that the parties could settle all their business without leaving home. The notary was empowered to do what the judge does now. By this means. the journey to town—the money—the time—and the trouble—were all saved. How came the Legislative Council, then, to reject so useful a bill? Not even its apologists can tell. They observe a remarkable and a very proper silence on the subject.

Amended Bills.

Having disposed of the bills rejected by the Legislative Council during the last Session, we now proceed to the next class; *viz.* those amended by the Council, and consequently lost.

1. Relief of certain Religious Congregations.

2. Erection of Parishes.

These two bills may be placed together, for in each the Council introduced the amendment that was fatal to both. *The House of Assembly has always been the friend of freedom of conscience, and maintained that all religious communities should be on an equality in the eyes of the law.* The Legislative Council are, on the other hand, great sticklers for church and state, and accordingly slipped into each of the bills under consideration, an amendment, tending to recognise the church of *England*, as the ESTABLISHED CHURCH! Oh! stop a bit, says the House of Assembly; do not be trying to get over the other religious societies that way. That church has already managed to seize a *seventh* of the public lands as reserves—to minister to its worldly wants. Not satisfied with this holy robbery, its friends in the Legislative Council want to give it the power to put its foot on the necks of all the other churches and religious congregations. It cannot be admitted. So these bills fell through in consequence of the "church and state" amendments of the Legislative Council.

3. The Improvement of the Montreal Harbour Bill.

Who has not heard the history of the famous dredging machine? The Assembly voted a sum of £3,000, in 1830, to obtain a dredging machine, to clear the harbour of Montreal. The Hon. George Moffatt, member of the Legislative Council, was appointed one of the commissioners. But Mr. Moffatt and the other commissioners stand charged

1st. With wasting several years in getting this dredging machine under weigh, when it is on record that they could have had it in operation in the spring of 1831.

2ndly. With having sent the money to "their correspondents" in London, and getting the work done there for a great deal more than they could have got it done in Montreal, thus committing a wilful waste, sending money out of the country, and discouraging colonial industry.

3rdly. With having thus caused a large *pecuniary* loss to the province, besides the loss which commerce has sustained in not having the harbour improved.

Taking all these matters into consideration, the Assembly resolved that other commissioners should be named, to superintend the Montreal harbour improvement, for Mr. Moffatt, and his brother commissioners, had shown themselves guilty of gross neglect of duty, and incapacity, if not of something worse, and therefore unworthy of any further public confidence. The House, almost every year since, has passed bills to complete the harbour improvements, to finish the quays, and to dredge the harbour. According to the practice prevailing in England, and in the sister colonies, and to secure the pro-

vince from any further loss by the misconduct of interested individuals, the commissioners were named in the bill. The Legislative Council, of which Mr. Moffatt, the interested party, is a member, have constantly refused to pass this bill, for, as we have repeatedly said, when a Legislative Councillor is in the case, all other things of right give place. The improvement of our city, aye, and of the country, must stand still, rather than the vanity, egotism, or selfishness of this individual should be touched.

And this is the body which gabbles about internal improvement; blubbers about being the friends of emigrants and of commerce. For three or four years has the improvement of our port been arrested by the vanity of *one* man. The Assembly have, year after year, passed the bill for completing our quays. The Legislative Council have as constantly destroyed the measure. Who, then, are the enemies of commerce? Who the anti-emigrants? Who the impediments in the way of internal improvement? The Assembly which pass the bill for expending £10,000 in the city, or the Legislative Council which destroys the bill?

By the destruction of the Harbour Improvement Bill, the dredging machine is nullified. The bill provided that the latter should be under the superintendance of the commissioners of the harbour. Now the first bill having been destroyed by the Council, there are no commissioners in existence; consequently, the dredging machine will have to remain idle. Such are the fruits of our irresponsible life-legislating system. Had the people the election of these gentry, they would not play this game twice.

4. Jury Bill.—By the common law of England, the sheriff is obliged to draw juries from the body of the district, so that justice may be administered impartially to the subject "by his peers." Sheriffs, however, in Canada, have not regularly observed this rule. *They summon whomsoever they choose to serve on juries;* and the consequence is, that we are yearly exposed to that curse of society, *packed* juries; *and the liberty and life of the subject is constantly exposed to suffer from the whims, the caprices, or the corruption, of sheriffs dependent for their lucrative situations on the will merely of the executive.* A state of things such as this is not only dangerous, it is disreputable. Of such moment was it to have the summoning of juries discreetly and properly regulated by law, that Sir Robert Peel devoted much of his attention to the subject, and eventually had an act passed for the impartial empanelling of jurors.

Canada has ever been, with the exception only of a few years, the victim of *packed* juries. During Sir James Kempt's administration, an act was passed extending to the province the benefits of Sir Robert Peel's bill. Instead of placing on the jury whomsoever a corrupt

sheriff pleased, this bill provided that lists should be regularly and indiscriminately made out, of those who were qualified; a certain number of names drawn from these lists were deposited in a box, from which the names of the jurors should be drawn by ballot. By this means a jury could not be *packed.* This bill being about to expire in 1835, it was proposed to be renewed by a bill renewing all the expiring laws. The Legislative Council amended this bill by *striking out the jury bill* from the renewing act. In 1836, a jury bill was sent up again. It was passed by the Assembly on the 16th February. On the 16th March, four days before the prorogation, it was returned with the most aristocratic, *partial,* and *exclusive* amendments. By these, no person could be a grand juror unless he owned real estate in the city of Quebec or Montreal to the value of £1,000. Whilst at the same time any tenant paying £80 a-year rent, could be a grand juror. Out of these cities, qualified persons should own real estate to the amount of £500. The inequality and injustice of such provisions are evident to every person who knows anything of the state of the country. The qualifications for petit jurors were equally objectionable.

Lest, however there should be a chance that even these amendments would be accepted, the bill was carefully kept back until the patience of the members was worn out, and a quorum no longer remained in town. For several days the members did defer their departure from day to day, in the hope that the useful bills which had been sent up would come down in due time for their consideration. But seeing that they were daily undergoing the usual process of mutilation, and that the jury bill was exposed to the same process, the quorum broke up, but not until the members had learned that the Council had made such organic changes in the measure as could not be assented to. Some days after the quorum broke up, and when the Council saw that there was no danger even of the mutilated bill passing, they sent it down with its amendments, which filled almost as many skins of parchment as the bill itself. The inhabitants of the province are thus for a longer time exposed to be victimized, either in their lives or liberties, according to the will of a sheriff dependent on the executive for his place, who is at full liberty to *pack* juries, either to satisfy his own, or his employers' vengeance.

5. Amending the Act relating to Elections.—On the 30th of last November, the Governor-in-Chief sent down a message to the House of Assembly, bringing under the consideration of the House "an objection which exists to the 18th clause of the act passed in the session of 1834, to regulate the manner of proceeding upon contested elections of members to serve in the Assembly." This clause provides for the continuance of election committees after the close of the session, and was recommended to be repealed in the following words:—

"The Governor-in-Chief, to insure the retention of the Act, to

which IN NO OTHER RESPECT *is there any objection,* recommends that a short Act should be passed repealing the clause in question."

The Assembly, in conformity with the message, passed the Bill under consideration, to repeal the objectionable clause, thus complying with the desires of the colonial minister. Nothing remained, therefore, for the Legislative Council, but to concur in the bill. So far from so doing, the Council proceeded to amend the bill, to which his Majesty's Government declared there was no other objection, by extending to co-proprietors and co-tenants the right of voting. It was remarked that co-heirs had the right to vote, and the objection was made that this was a privilege enjoyed by only one party. To counterbalance it, therefore the bill was amended by the Council. This was a most singular argument: it was to the effect that the Tories could not have, or did not leave "co-heirs," a disadvantage for which they must blame Providence, and not the House of Assembly. The Council's amendment, in the next place, opened the door to a great deal of fraud, *and furnished the means of splitting votes in a fraudulent manner.* How many public institutions are there owned by shareholders, each one of whom, by this amendment, having a few pounds interest in the institution, would have a right to vote. Various other objections were made at the time to the amendment.

Instead of explaining the nature of the Council's alterations, the apologists for that body confine themselves solely to sincerely hoping "that his Majesty will now disallow the unjust act which it was intended to amend." Why should his Majesty disallow it? It was not the Assembly's fault if the wishes of his Majesty's Government were not carried into effect. The Assembly, in compliance with the Governor's message, repealed the 18th clause. The Assembly were told, at the same time, that his Majesty had no objection to any other part of the Bill. If, therefore, the views of his Majesty's Government were not carried into effect, it was the fault of the Legislative Council, and of that body *alone.* They travelled out of the record by introducing their amendment: and, we have to repeat, that theirs is the fault if the wishes of his Majesty's Government were not carried into execution.

6. PERMANENT ENCOURAGEMENT OF EDUCATION.—This bill went to allow the trustees of the several schools to be invested with the property of the school-house and ground on which the building may be erected. Having no corporate existence, the trustees at present cannot hold school-houses for public purposes; and now that the education law is about to expire, a great deal of confusion will follow, which confusion and difficulties it was the object of this bill to obviate. It was carried up to the Council on the 25th of January, and retained there until it was known that there was no longer a quorum below stairs. It was returned *amended* on the 15th March, nearly *two months* afterwards! What the amendments were it is unnecessary to inquire. The bill has been sent up hitherto, session after session, and each session it failed for some reason or other. Had the Council been sincere in their desire that the bill should pass, even with their amendments, they could have sent it down on the 15th February, instead of the 15th March. It is evident, from their retaining the bill until the quorum broke up, that these *friends* of education only adopted another plan to destroy the measure.

7. JUDICATURE BILL.—Year after year all parties have been crying out against the wretched judiciary system in force in this province.

From the court of appeals, down to the inferior court, "the law's delay" has been a constant theme for complaint. The bill before us provided for the establishment of a well-regulated court of appeals, instead of the irregular concern which the province is afflicted with at present, where people appeal from one chief justice to another. By this bill, four new judges were to be appointed, and the judges who were to preside in the criminal court, were to be judges in the court of appeal for *civil* cases. The judges who preside in the civil courts were, out of term, or in vacation time, to go on the circuit, through the districts, so that cheap justice should be administered to the people at their doors, instead of the people being obliged to come to town in search of dear law, as they now are obliged to do.

To this bill the Legislative Council made a host of amendments, in which the circuit arrangement made by the Assembly was entirely upset and deranged.

In addition to this, a rider was tacked to the bill by the same body, providing that the bill should not become law until the judges had been rendered "independent." This was perhaps one of the most singular amendments that was ever begot by the wise old ladies of the Council. What is the legal meaning of the word "independent" in the rider? Who was to be the authority, or tribunal, to declare when the judges would have become "independent?" Let us suppose for an instant that the rider was agreed to, and the bill as amended had passed, and that it was to be law when the judges would have been rendered "independent!" When was the act to take effect? Who was to determine that the judges had become "independent," and consequently that the act was in force? Who was to declare in what consisted the "independence" of these functionaries? Was it to be the executive? The clause did not say. Was it to be the Colonial Office? No knowing. Was it the judges themselves that were to be judges of their own "independence?" Deponent saith not. Again, in what was to consist their "independence?" Was it in receiving their salaries from the governor, without the consent or vote of the House of Assembly? In this case, they would be "independent" of the Assembly. Was it in having their salaries voted permanently, whilst their commissions would continue to be "during pleasure" of the Crown? In truth there is no knowing. The rider was one of the most unbecoming and disgraceful clauses that ever issued from a legislative body.

8. Sole Leather Inspection.—Complaints were made to the Legislature that the public is subject to fraud in the present state of this trade. Leather, by certain management, being made to imbibe a great degree of moisture, by this means the weight is evidently increased, and the purchaser made to pay for a pound of *water* as much as he pays for a pound of leather. By the bill in question, it was provided that sole leather should be regularly inspected, and weighed by proper officers, who should mark on the hides the weight thereof. The purchaser would thus pay only for leather, and not be obliged to pay for salt and water.

By the Legislative Council's amendment, the inspection was permitted to be "optional"—that is, it was left to the *option* of the seller of leather to be honest or not, according as his interest was concerned.

9. Inspection of Pot and Pearl Ashes.—The bill sent up by the Assembly provided for the reduction of the fees now charged by the inspector. The inspection was fixed at 4½*d.*, instead of 6*d.* per

cwt., and the storage was reduced from 6*d.* to 5*d.* It was also declared that inspectors could not be magistrates. The motive for this last provision will be easily understood, when it is known that in case of dispute between the manufacturer and the inspector, a sort of appeal lay to the magistrates; in other cases the inspector had the right to prosecute the manufacturer before a magistrate, for infraction of the act. Now there was nothing in the act to prevent a brother inspector who happened to be a magistrate, from administering justice, or presiding in these cases where his *confrère* would be thus interested. To obviate the chance of such improper proceeding, the Assembly declared that these inspectors should not be magistrates. The Council struck out this unobjectionable provision, so the bill was lost.

10. Montreal and Quebec Incorporation Bills.—We have already alluded to the benefit to be received from the incorporation of cities and towns. So important has the reform of municipal corporations been considered in England, that at an early period after the passing of the Reform Bill, it occupied the serious attention of his Majesty's Government. The corporations of England became entirely re-modelled; their powers extended, and more of the democratic principle infused into those institutions. At the opening of the present session of parliament, his Majesty in his speech from the throne directed the attention of parliament to the state of the corporations of Ireland, and a bill has passed the House of Commons to extend the privileges and to re-model the constitutions thereof. With policy so avowedly liberal as this governing the cabinet in England, it was to be expected that a similar policy would be extended to the colonies, and that the latter would be permitted to enjoy the benefits to be derived from the operation of the liberal principles which were acted upon in favour of the people of England and Ireland.

With this expectation, bills were passed by the Assembly extending the powers of the corporations of Quebec and Montreal, and in some manner putting them on an equality with the city of Toronto, in Upper Canada. The Legislative Council so amended these bills, that scarce a vestige of utility was left remaining. The qualification of common-councilman was raised, so that no person could be elected to that office unless he possessed immovable property to the amount of £1,000. The effect of this single amendment would be, that several of the wards would be unrepresented. Various other amendments, equally objectionable, were introduced, rendering the corporations rather aristocratic clubs than anything else. These amendments could not be agreed to, and the bills dropped. In this dilemma a bill was sent up *to renew the expiring corporation acts.* This was rejected. Thus our cities are deprived of their charters. The evil effects of such proceeding on the part of the Council is now evident in our cities. Our streets are not lighted, and we are unprotected by watchmen. Such are some of the practical consequences of the insane conduct of the Legislative Council of Lower Canada.

We have now, at the expense of much research and time, given the reader a detailed description of the nature and provisions of the various bills which have been destroyed by the legislative council of this province, in the course of the last session of the provincial parliament. This description will enable him to judge between the representatives of the province and those who, by virtue of their irresponsible authority, have succeeded in inflicting so much injury on the community.

The extent of that injury is, as we have already observed, incalculable. Public improvement arrested; the education of the rising generation put a stop to; the liberties of the subject invaded; the public health endangered; and the people of the province refused the power of superintending the management of their local affairs. Such are the melancholy consequences of having *irresponsible* legislators.

The evils which we complain of and describe, are not of yesterday's growth. So far back as 1827 it was made a matter of complaint, that the laws conceived by the people to be necessary for their common welfare were destroyed by the council. Those evils are still not only unmitigated, but considerably increased, as the following statement, made up from parliamentary returns, will show.

STATEMENT of the NUMBER OF BILLS which, having originated in the HOUSE OF ASSEMBLY of Lower Canada, were either rejected by the LEGISLATIVE COUNCIL, or amended so as to cause their rejection by the ASSEMBLY; exhibiting the obstructive character of the said COUNCIL.

Year.	Rejected by the Council.	Amended by the Council.	Total.
1822	8	0	8
1823	14	2	16
1824	12	5	17
1825	12	5	17
1826	19	8	27
1827	No Session.	No Session.	No Session.
1828-9	16	8	24
1830	16	8	24
1831	11	3	14
1832	14	8	22
1833	16	16	32
1834	25	8	33
1835	*19	0	19
1836	34	15	49
Totals.	216	86	302

Against conduct so oppressive as is here set forth, so ruinous to the improvement of the country, and so utterly incompatible with good government, there is no protection but a *change* in the CONSTITUTION of that body which has so wantonly abused its power, and exercised it, not for the advantage of the community, but as the means of perpetrating public mischief. The mischievous consequences of their misconduct is evident from the nature of the bills which they have destroyed. The gradual and steady increase of those evils is evident by reference to the above table, and puts beyond a doubt the fact, that the destruction of all public measures introduced in the Assembly for the good of the people, by whom it is elected and whom it represents, has now settled down in the Legislative Council, into a confirmed habit, and established system. The only means which remains to uproot that system is to render that Council ELECTIVE.

* There were three bills sent up this year, one of which was to continue seventeen expiring acts. In the table we have charged the seventeen acts which expired to the Legislative Council, as by their rejection of the bill which continued them, they were responsible for the loss of the whole *seventeen*.

APPENDIX.

TABLE I.

List of Bills passed by the Assembly, sent to the Council and not returned.

1. Bill for appointing an Agent in the United Kingdom of Great Britain and Ireland—(*Passed the Assembly, Nov.* 3*rd.*)
2. Bill for better ensuring the freedom of Elections, by the removal of the Troops from the places in which such elections are held—(*do. do. Oct.* 31*st.*)
3. Bill to abolish the punishment of Pillory in certain cases.
4. Bill to provide for the nomination and appointment of Parish and Township Officers, within the Seigniories and Townships of this Province—(*Passed the Assembly, Dec.* 14*th.*)
5. Bill to make the salaries and emoluments of public officers liable to attachment at the suit of the creditors of such officers—(*do. do. Nov.* 9*th.*)
6. Bill to repeal certain parts of an Ordinance therein mentioned concerning persons to be admitted to practice the Law in this Province—(*do. do. Nov.* 9*th.*)
7. Bill to amend the Act of the 55th year of the Reign of George 3rd. chap. 10, relative to the pensions of wounded Militia-men—(*do. do. Nov.* 20.)
8. Bill to amend a certain Act therein mentioned, and to make further provisions for making, altering, and repairing highways and bridges—(*do. do. Feb.* 29*th.*)
9. Bill to regulate the Notarial Profession—(*do. do. Dec.* 12*th.*)
10. Bill to provide for the reprinting of the Provincial Ordinances and Statutes now in force—(*do. do. Nov.* 20*th.*)
11. Bill to regulate the exercise of the rights of Lessors and Lessees—(*do. do. March* 5*th.*)
12. Bill for the better regulation of the Formalities to be observed in the closing of Inventories—(*do. do. Nov.* 30*th.*)
13. Bill to remove all doubts with respect to the benefit of *Cessio Bonorum* in certain cases therein mentioned—(*do. do. March* 5*th.*)
14. Bill to make further provision for maintaining the Court Houses and Jails in the Counties of this Province—(*do. do. Dec.* 9*th.*)
15. Bill to establish a free Bridge over the River St. Charles—(*do. do. Jan.* 11*th.*)
16. Bill to regulate the administration and management of the Fiefs, Seigniories, and other Estates, formerly belonging to the order of Jesuits—(*do. do. Feb.* 20*th.*)
17. Bill to repeal a certain Act therein mentioned, concerning the printing and distribution of the Provincial Statutes, and to make other provisions on the same subject—(*do. do. Jan.* 4*th.*)
18. Bill to establish a Post Office in this Province, and to provide for the future management of the same—(*do. do. Jan.* 27*th.*)
19. Bill to limit the number of passengers in vessels coming into this Province from Europe—(*do. do. Jan.* 30*th.*)
20. Bill to repeal certain Acts therein mentioned, and to provide for the further Encouragement of Education in this Province—(*do. do. Feb.* 26*th.*)
21. Bill to prevent Duelling—(*do. do. March* 4*th.*)
22. Bill to make good certain sums advanced to meet the contingent expenses of the Legislative Council and of the House of Assembly—(*do. do. Feb.* 20*th.*)
23. Bill to prevent and punish Stellionate—(*do. do. March* 9*th.*)
24. Bill to regulate the mode of summoning Defendants, who have no known domicile in the Province, in matters of *saisie arret*—(*do. do. March* 9*th.*)
25. Bill to diminish the Duties payable on Tobacco imported by Land or by Inland Navigation—(*do. do. March* 1*st.*)
26. Bill to provide means for defraying the expences of the Civil Govern-

ment of the Province for the time between the 15th January, 1836, and the 15th of July of the same year, and to provide for certain expenses therein mentioned—(*do. do. March* 3*rd.*) THE SUPPLY BILL.

27. Bill to provide more effectually for the establishment of a strict and efficient Quarantine in the Province of Lower Canada—(*do. do. March* 9*th.*)

28. Bill to repeal so much of two Acts therein mentioned, made and passed in the Parliament of the United Kingdom of Great Britain and Ireland, as authorises the commutation of the Tenure of Lands held *à titre de fief*, and *à titre de cens* in this Province into the tenure of free and common soccage —(*do. do. March* 4*th.*)

29. Bill to amend the Act of 9th Geo. IV. c. 73, dividing the Province into Counties, by changing one place of Election in the County of Missisquoi—(*do. do. March* 3*rd.*)

30. Bill to reduce and fix the Salaries of certain Officers of the Law—(*do. do. March* 11*th.*)

31. Bill to provide for the appointment of Commissioners to bid at the sale of the Seigniory of Lauzon, by the Sheriff; and for other purposes therein mentioned—(*do. do. March* 10*th.*)

32. Bill to provide for the completion of the CHAMBLY CANAL—(*do. do. March* 7*th.*)

33. Bill to provide for the construction of a Dam and Lock, above the Village of St. Ours on the River Chambly—(*do. do. March* 7*th.*)

34. Bill to continue, for a limited time, the Acts relating to the Incorporation of the Cities of Quebec and Montreal—(*do. do. March* 12*th.*)

TABLE II.

BILLS PASSED BY THE ASSEMBLY, SENT TO THE COUNCIL, AND RETURNED WITH AMENDMENTS.

1. Bill to repeal an Act passed in the Tenth and Eleventh years of His late Majesty's Reign, intituled "An Act for the Relief of certain Religious Congregations therein mentioned," and to make other Legislative provisions in place thereof—(*Passed the Assembly, Nov.* 11*th.*)

2. Bill to regulate the qualification and summoning of Jurors in Civil and Criminal Matters—(*do. do. Feb.* 16.)

3. Bill to repeal the ordinance therein mentioned, concerning quartering the Troops on certain occasions in the country parishes, and the conveyance of Effects belonging to the Government—(*do. do. Nov.* 13)

4. Bill to authorise Pierre Gingras to build a Toll Bridge over the River Cap-Rouge—(*do. do. Dec.* 18.)

5. Bill to make further provision for the improvement and enlargement of the Harbour of Montreal and to appoint Commissioners for that purpose—(*do. do. Dec.* 19.)

6. Bill to amend an act therein mentioned relating to Elections—(*do. do. Dec.* 28.)

7. Bill to amend the Judicature of the Province, and to extend and facilitate the administration of Justice in the different parts thereof—(*do. do. Jan.* 18.)

8. Bill for the further and permanent ENCOURAGEMENT OF EDUCATION —(*do. do. Jan.* 22.)

9. Bill concerning the erection of Parishes, and the construction and maintenance of Churches, Presbyteries, and Burial grounds—(*do. do. March* 2)

10. Bill to suspend for a limited time certain ordinances therein mentioned, as far as the same relate to the City of Quebec and the City of Montreal, and for preventing accidents by fire—(*do. do. March* 5.)

11. Bill to vest the property of Pierre Chasseur's Museum of Natural History in the Public—(*do. do. Feb.* 29.)

12. Bill to consolidate, extend and amend the provisions of divers acts concerning the Corporation of Quebec—(*do. do. March* 7.)

13. Bill to consolidate, extend and amend divers acts relating to the Corporation of the City of Montreal—(*do. do. March* 7.)

14. Bill to provide for the Inspection of Sole Leather—(*do. do. March* 5.)

15. Bill to continue and amend two acts therein mentioned, relative to the Inspection of Pot Ash and Pearl Ash—(*do. do. March* 11.)

TABLE III.

LIST OF BILLS RECEIVED FROM THE COUNCIL, BUT NOT PASSED IN THE ASSEMBLY.

1. Bill to amend the act of the 36th Geo. III. c. monly called "the Road Act."
2. Bill to incorporate the Parish of *Notre Dame de Bonsecours* in the Seigniory *des Eboulemens dite de Sales Laterriere*, in the County of Saguenay.
3. Bill to enable the Justices of the Peace and Officers of the Peace to repress certain proceedings known by the name of *Charivaris*.
4. Bill for making all Mortgages and *Hypotheques* special, for abolishing Customary Dower, *Douaire Coutuimer*, and for other purposes.
5. Bill to give effect and validity to a Bill passed by the Legislative Council and Assembly of this Province, intituled An Act for rendering valid conveyances of Land, and other immoveable property held in free and common soccage in the Province of Lower Canada, and for other purposes therein mentioned, to which the Royal assent was given and signified, after the period limited by law.

TABLE IV.

BILL RESERVED BY THE GOVERNOR IN CHIEF FOR THE CONSIDERATION OF DOWNING STREET.

1. An act to provide for making and maintaining a Rail Road from the River St. Lawrence to the Province Line.

RECAPITULATION.

Number of sitting days		109
Number of Bills introduced in the Assembly		117
Received from the Council		6
	Total	123
Passed	58	
Passed by the Assembly, sent to the Council, and not returned	34	
Passed by the Asssmbly, sent to the Council, and returned with amendments	15	
Introduced in the Assembly, but not passed	10	
Received from the Council, and not passed	5	
Reserved for the sanction of Downing Street	1	
	—	123

REPORTS OF STANDING COMMITTEES MADE DURING THE SESSION.

Privileges and Elections	3
Grievances	13
Courts of Justice	3
Revenue and Finance	1
Public Accounts	5
Education and Schools	6
Lands and Seigniorial Rights	2
Jesuits' Estates	2
Agriculture	1
Trade	5
Roads and Public Improvements	5
Expiring Laws	1
Private Bills	6
Hospitals and Charitable Institutions	6
Contingent Expenses, and other objects connected with the Internal Department of the House of Assembly	3
	62
Number of Special Committees named during the Sessions, some of which had power to report from time to time	111
Reports made therefrom	104

CANADIAN PORTFOLIO.

LETTER III.

WHAT OUGHT TO BE DONE?

As the sitting of Parliament approaches, and as the first motion that will be subjected to their consideration will be the means of putting down the insurrection in Canada, I postpone my promised history of the Whig government in that country, in order to submit to the judgment of England and the world, a plan of conciliation which might avert the horrors attendant on a civil war. This plan was proposed in the House of Commons during the discussions of the last Session; at that time the success of such an attempt appeared certain. Now, indeed, the difficulties have fearfully multiplied; still, as the last means of peaceful settlement, I again offer the suggestions which I then made, in the firm belief, that if they were at once adopted, and honestly acted on, war might yet be avoided, and our dominion in America permanently secured.

As I cannot more briefly or accurately explain the plan by which I propose to attain this end, than by using the words I employed in the House of Commons, I reprint at length the speech which contained it. The additions which the late melancholy occurrences render necessary will be explained at the end of the speech. On the 14th of April 1837, when the House was in Committee on the Canadian Resolutions, I spoke to the following effect:—

Having what I believe to be an important proposition to lay before the Committee, I am exceedingly desirous of obtaining their attention, while yet untired and undisturbed by the warmth and asperities of debate. I am now about to endeavour, for the last time at which the attempt can be successful, to propound a plan for the reconciliation of the people of Canada and this country, and for the amicable and immediate arrangement of the perplexing and fatal dissensions which have so long existed between the provincial government and the imperial administration. We are on the eve of taking a step which will for ever preclude all hope of peace and content hereafter. I say this in no spirit of boasting or of taunt. To me a quarrel between England and Canada can bring nothing but pain and regret; but I thus warn this House, and the ministers of the Crown, because I

know the subject on which I am speaking, and but too plainly perceive the long train of disaster and distress which the fatal course we now meditate will inevitably entail upon the people of both countries. In order to avert this evil, I deem it my duty to make one effort more, and a solemn duty I esteem it; and, in order that I may perform it to the best of my ability, I beseech the attention and the indulgent consideration of the Committee.

If the Resolutions proposed by the noble lord are persevered in and carried, all hope of peace is for ever precluded. The province of Canada, together with our other possessions in America, may for a few years still remain under our dominion; but fatal discontent will pervade the minds of the colonists, and their every aspiration will be for the happy time of their deliverance from our yoke; they will watch with eager anxiety and impatience for the first favourable opportunity for contemptuously spurning our control, and will, with ardent belief in the glories and happiness of a life of national independence, rear at once the standard of revolt, and assume the name and port of an independent people. Whatever may be the course we may pursue, the time must inevitably come when our American colonies will become independent states; but I for one am not anxious that this event should be anticipated and brought about before its natural period; and, above all, I am desirous that when this period does arrive, we may separate in peace and goodwill towards one another—that we may voluntarily resign our supervising care, and that the colonies may assume the government with our sanction and approval—that no bitterness should result from this new relation, but that reciprocal kindness should beget lasting and reciprocal goodwill. In order, then, that this good feeling may exist, it is necessary that our connexion, while it lasts, should not be accompanied with strife; with contempt, and ill-treatment on the one hand, and ill-suppressed hate and desired revenge on the other. In the hope of preventing this disastrous consummation, and of promoting a kindly feeling between Lower Canada and ourselves, I entreat the House to pause while yet there is time for consideration. I beseech them to listen to a proposal which I believe will meet the many difficulties which attend the present unhappy disputes, and remove from the minds of the wise and prudent of all parties in the province all cause of distrust and discontent. In the full confidence that this proposal will accomplish this purpose, I shall now proceed to detail it to the Committee.

Any plan for the pacification of Canada must necessarily have reference to two sets of difficulties; first, while it is so extensive and effective in its reform of abuses long complained of as to satisfy the Canadian people, it must, secondly, also be of such a character as to meet the approval of the people of this country and its rulers, in spite of all their many prejudices, and peculiar interests and feelings. This is certainly a difficult problem to solve. Our American colonies are in the immediate neighbourhood of, and in constant intercourse with the United States. In those states democratic forms of government and democratic feelings reign triumphant. The people are happy, proud of their institutions, and ascribe much of their well-being to the blessing of self-government. The spirit of this great republic naturally pervades every region of the great continent which they inhabit. The inhabitant of the bleak

shores of Labrador, and of New Brunswick, as well as he who dwells under the genial sun of Mexico, is subject to the moral and mental influence of the United States: the people of Canada, both of the Upper and the Lower province, have their minds insensibly fashioned, and their wishes and ideas formed and directed, by the opinions and habits of their happy and powerful neighbours. Thus, as there is a European, so has there been created an American mode of thinking and feeling; and we may estimate and understand this new sentiment, when we remember that the progenitors of the people who have created it left this very country in which we now are, and landed as pilgrims on the bleak and barren rock of Plymouth, in New England, because they would not suffer any one to dictate to their consciences, or control or coerce their persons, or command their property, without their fore-known and declared assent. This determination has been handed down to their descendants—has been sanctioned and hallowed in their remembrance by the fearful trial of their great revolution—and is at this day the political religion of all the people of America, whether they be of English, French, or Dutch, or German, or Spanish descent. On the other hand, the people of England are a proud people, and, though generous, they love dominion; added to this, their government, and everything emanating from it, is aristocratic in its character.

Here, then, we have two difficulties in our path; first we have to conciliate the proud prejudices of the people at large, not to affront their acknowledged supremacy and sovereign rule; and, secondly, we must avoid clashing as far as possible with the aristocratic feelings, I may say passion, of their rulers; and while we do all this, we must both rectify the acknowledged abuses of the Canadian Government and satisfy the democratic longings of her people. My plan endeavours to accomplish this arduous task, and to avoid these opposite difficulties. It is necessary for me however to premise, that the plan, as I shall lay it before the Committee, must, to obtain the objects in view, be taken as a whole. The adoption of any part, and rejection of the remainder, will not satisfy the demands of the Canadians. They seek a change of system, not simply a partial alteration as respects one or two abuses. The plan which I shall now submit to the Committee in its entireness contemplates a change of system sufficient to satisfy the just wishes of the Colonists, while it in no degree diminishes that superiority about which this House and this country are so peculiarly sensitive. But this effect can be produced only by the adoption of the scheme in all its essential particulars.

The proposed scheme, then, refers to the following subjects of dispute:—1, the Legislative Council; 2, the Executive Council; 3, a General Assembly. So far the plan relates to change in the present constitution of the Canadas. 4, the Finances; 5, the Tenures Act; 6, the Land Company; 7, and lastly, the proposed change in the boundaries of the province of Lower Canada. I would first solicit the attention of the Committee to the changes which my plan contemplates in the constitution of Lower Canada, and our North American provinces generally. Of these changes the first regards the Legislative Council. The Committee have already decided against that amendment of the Council which the people of Canada have themselves solicited. It remains for us to inquire whether some change palatable to the people can be devised, which at the same time will meet with the approbation

of this House. If this cannot be done, there is no means of an amicable arrangement of the present question. The people of Canada are, from long experience, so thoroughly persuaded of the mischievous nature of the present constitution of the Legislative Council, that their minds are irrevocably made up respecting it. If you refuse them all change in this part of the Constitution, you will, in their opinion, determine to continue bad government in Canada. I speak on this subject advisedly; and, while so doing, I appeal to every person who knows the feelings of the people as to the truth of my assertion, when I say, that unless the Legislative Council be reformed by being made elective, or altogether abolished, the people of Canada will remain discontented—that everything you do in the way of reform will be viewed with contempt and suspicion, and yourselves with hatred. It is useless to disguise this fact. I do not dwell on this point without great regret; but necessity compels me to press it upon the House, and thus, by reiteration, to awaken their attention to it. It must be remembered that everybody who has yet inquired into the conduct of the Legislative Council has gravely condemned it. The Committee which sat in 1828 condemned it, and recommended what the House a few days since by its resolution adopted, while by the very same resolution it tacitly acknowledged that the reform recommended so strongly in 1828 remained to this day unaccomplished. Again, the Commissioners, whose Report is now on your table, speak in unequivocal terms of the necessity of some reform, and admit the propriety at some future day of making the Council elective. The words of the Commissioners deserve serious attention.

"We have as yet," say they, "only spoken of those causes of imperfection in the Upper Chamber which were of an adventitious nature, depending upon the mixed quality of the population, or growing out of the false position which the Council assumed, when it charged itself with the duty of supporting the political ascendancy of a minority. To which we might have added, the damage it received from the frequent and injudicious compliment that were in former times paid to it at the expense of the Assembly, in the speeches at the prorogation of Parliament, or on other public occasions. We have still to notice the more essential disadvantages, that highly respectable and well-qualified as are many of the individuals who might be found to fill the places of Councillors, yet in a new country, where there are no distinctions of title, and few of fortune, it is difficult for the mere nomination of the Crown to confer upon any person sufficient importance to maintain him with effect in the position of a legislator; that in such a country the people will be little inclined to respect any legislative body which does not emanate from themselves; and that this effect must be enhanced in Lower Canada by the example of the powerful states which flourish so immediately in her neighbourhood. For these considerations, though we feel ourselves forced to pronounce our opinion against the expediency of an elective Council, we should by no means be understood as opposed to the institution on principle; so far, at least, as any country in America is concerned. We will even say that, under more favourable circumstances, at an earlier time, or had less animosity been excited, we can conceive that good might have resulted from the introduction of a principle of election, by appointing a class of voters with a raised qualification: and also providing, in order to secure a due permanence of interest in the province, that the

individuals to be elected should be possessed of a substantial quantity of real estate; but we cannot advise the experiment now."—Pages 7—15. Legislative Council.

"In the course of these protracted disputes, too, it happened that the Assembly, composed almost exclusively of French Canadians, have constantly figured as the assertors of popular rights, and as the advocates of liberal institutions; whilst the Council, in which the English interest prevails, have, on the other hand, been made to appear as the supporters of arbitrary power and of antiquated political doctrines; and to this alone, we are persuaded, the fact is to be attributed that the majority of settlers from the United States have hitherto sided with the French rather than the English party. The representatives of the counties of Stanstead and Misisquoi have not been sent to Parliament to defend the feudal system, to protect the French language, or to oppose a system of registration. They have been sent to lend their aid to the assertors of popular rights, and to oppose a Government by which, in their opinion, settlers from the United States have been neglected, or regarded with disfavour. Even during our own residence in the province we have seen the Council continue to act in the same spirit, and discard what we believe would have proved a most salutary measure, in a manner which can hardly be taken otherwise than to indicate at least a coldness towards the establishment of customs calculated to exercise the judgment and promote the general improvement of the people: we allude to a bill for enabling parishes and townships to elect local officers and assess themselves for local purposes, which measure, though not absolutely rejected, was suffered to fail in a way that showed no friendliness to the principle."

Condemned then by all, standing in the way of any permanent settlement of the disputes now pending between the people of Canada and the imperial administration, why should this Council be suffered to remain? The House has rejected the proposal to make it elective —will it not give satisfaction to the people by abolishing the Council entirely? It is said, in objection to this plan of abolition, that hereby the control of the imperial Government will be materially and injuriously diminished. They who make this objection appear very little to have considered the real nature of this Legislative Council, and its actual working in the whole machine of the Government. The only actual advantage which the home Government derives from this anomalous body is sometimes the power of proposing amendments to the bills passed by the Assembly. I allow it to be desirable that the Governor should not be reduced to the alternative of absolutely rejecting measures proposed by the Assembly, or of accepting them entirely and without alteration. It is desirable that he should have the power of saying to the Assembly, "I approve of so much of your bill, but to such and such parts I object, and for the following reasons. Have you any objection so to modify your measure as to obviate my objections?" This he may now do, perchance, through the medium of the Legislative Council; and this is the only real advantage which is derived by the imperial Government from this Council.

There is, there has been, much talk about making the Council independent — all this, on both sides, I deem to have been erroneous. The object should never have been to make the Council

independent. The people have found out their error, and so I suspect has the Government. The true aim of those who wish good government would be to make the Council, or those who perform the functions which the Council ought to perform, responsible. The people have demanded that the Council should at once be made responsible to them, the people. This demand the House has refused. I now propose a plan by which a sort of joint responsibility should be created, a responsibility direct to the imperial Government—indirect to the people; immediate in the one case, mediate in the other; and this I propose to effect by means of an Executive Council, to be called the Governor in Council. The Legislative Council being abolished, I have to devise some scheme by which the Governor should possess the power of amendment, which I have already allowed to be necessary. At present he possesses it in an imperfect and round-about manner. I propose to give it to him in all cases, directly and openly, and this is to be effected by means of the Executive Council. This body is to be composed of the Attorney and Solicitor-General, together with ten Councillors, all to be chosen by the Governor, on his arrival at his government, and they are to retain their office of Executive Councillor during the pleasure of the Governor. This body is to be called the Governor in Council. The functions of this Council, as respects legislation, I can best describe by following a measure through its several stages. First, a bill is brought into, and passed by, the House of Assembly. It is then sent to the Governor in Council. It may there be amended, or not. If not amended, it is at once forwarded to the Governor for his assent or veto; but if amended, it is sent back to the Assembly. They either adopt or reject the amendments; and in either case, the bill is now to be at once sent to the Governor, and not to the Governor in Council. And on the Governor rests the ultimate responsibility of rejecting or accepting the measure.

I must here guard myself against misconception. It must be carefully borne in mind that no power of rejecting any measure passed by the Assembly is given to the Governor in Council. That body can only amend—it cannot reject. This is a matter of vital importance—so important, that if such a Council should be created, and the power of rejection given to it, no satisfaction whatever could be given to the people who are now discontented. The grand object of my plan is to concentrate responsibility, and to bring it to bear upon known individuals. The Governor is he whom we seek to render circumspect and careful; and no subterfuge can be permitted by which this object may be frustrated. The plan which I here propose is no novelty, for at this moment it exists in reality in most of our colonies. In most of our colonies, it is true that two Councils in name exist; but they are in reality composed of the same persons, and are chosen during pleasure by the Governor. I propose to have only one Council in name as well as reality, and to make it dependent directly upon the Governor. The direct responsibility to the Governor is an indirect responsibility to the House of Assembly. The House of Assembly has always been able, in process of time, to direct the conduct of the Governor; and, thus, through him, they would eventually controul indirectly the Executive Council: thus the joint responsibility, of which I spoke some time since, is effected. By this plan we get rid of a body of persons responsible to no one, whom no

one honours or confides in, and who permanently oppose all reforms, whether proposed by the Assembly or the Government. And what evil, I ask, can be done by the abolition of this obnoxious body? The supremacy of this country is maintained even more completely than now by the proposed plan. All the really useful objects that are sought to be obtained by the present Legislative Council are really and effectively obtained by the plan proposed; while all the evils which are acknowledged by every impartial inquirer to result from the Legislative Council would be avoided.

What is it, let me ask, that stands in the way of our adopting this measure? Not its novelty; for it is actually existent in most of our colonies—Upper and Lower Canada being exceptions to the general rule: not its want of efficiency for all the ends proposed, for no one, I think, can doubt that it will really effect the purpose intended. What, then, is the obstacle? I fear, a name; an analogy founded simply on the fact of the Legislative Council being a second Chamber, and because the demand for a reform in this Legislative body comes at the inopportune period when we ourselves are discussing the merits of our House of Lords. But are we to be frightened by a name, and to be driven from our purpose by the shadow of a forced analogy? The House of Lords does itself no honour in supposing that the grounds on which it can be defended are the same as those which must be urged in favour of a body unconnected with the people at large—not linked to their memories by any associations of glory or renown. If the House of Lords bore the same relation to this House and this country which the Legislative Council of Canada bears to the House of Assembly and the people of Canada, I would to-morrow move for its instant abolition, with a certainty that I should carry my proposal by an overwhelming majority. No; the true strength of the House of Lords lies in their wealth and in the feelings of the people. Veneration for that House has been handed down from one generation of Englishmen to another; and it requires a powerful effort of the judgment—a superiority to established prejudices of feeling and thought, very rare in this or any other country, to throw off our inbred respect for the other House of Parliament; and to see that what has been taught us in our cradle and in our youth are the phantoms of a misdirected imagination—the lusty offspring of what Bentham called "an interest-begotten prejudice." No such power, no such hallucination can attach to the Legislative Council of Canada. They are not an aristocracy—have no wealth, no blood, no historical recollections to support them. They are a clique of hungry officials, hated as well as despised by the community whom they plunder.

As my whole hope of reconciliation rests upon the adoption by this House of this part of my plan, I have presumed to dwell upon it at greater length than otherwise I should have considered myself justified in doing. But this is the foundation of my whole fabric; if this be not laid, all that follows will be useless—labour and words thrown away. This House will, I hope, give me credit for speaking plainly on all occasions—will acknowledge that I never shrink from avowing my convictions, no matter how unpalatable they may prove to my hearers. On the present occasion I would intreat them to put faith in my assertions, and to believe me when I say, that peace will never again exist in our colony of Lower Canada if the rash measures proposed by his Majesty's Ministers be adopted—and that content

would immediately follow the adoption of the measure which I have here propounded to the House. If the part which I have already explained meet with their favour, I have little fear for the remaining portions—but if this be rejected, what follows will be utterly useless.

Having thus provided a Legislature for the colony which would deserve and obtain the respect of the people, all is not effected which is yet required to satisfy the just demands, and to obviate the well-founded complaints of the Canadians. Up to the present time complaints have been continally made by the House of Assembly of the insufficient mode in which justice is administered in the province. The Imperial Government is pertinacious and urgent in its demands upon the Assembly to make the Judges independent of popular controul; but nothing has ever yet be done to make these said Judges responsible to some body, and thus render them active, just, and prudent. I must take this opportunity openly to express my opinions as to the continued appeals of the Home Government to the Assembly respecting the situation of dependence in which the Judges now are, in consequence of an annual vote being required to pay them. This dread of a popular Assembly I at once state to be feigned. I think the whole outcry that has been made, a part of a wicked plan to enslave the colony. The desire was to have a Government entirely independent of the people, and the case of the judges has been put prominently forward, because there was some plausibility in the suggestion of making them free of immediate and pressing influences. But the real truth is, that no evil has ever yet arisen in consequence of their present dependence on the Assembly; on the contrary, had they not been so dependent, they would all of them have been ten times more useless and mischievous than at present. I am the more strengthened in this view of the case, as I find that the quarrel between this country and the provinces now constituting the United States began precisely on the same subject, and in the same manner. The Home Government asked for permanent salaries for the Judges and Governors, and a permanent Civil List. The people vehemently resisted the demand, and eventually turned out in arms rather than accede to it. Untaught by that fatal experiment, again our Government are driving headlong to the same precipice, urging the same mischievous demands, and stirring up, by the same means, confusion and resistance in our colonies. The similarity of the language used by both parties to that employed in the year 1775 is absolutely startling, and if we substitute Massachusetts or Virginia for Lower Canada, one record would serve for both sets of transactions. It is lamentable to think that no Government will learn by any experience but its own. But in order to allay the discontent on this head, my scheme contemplates a remedy for the evils complained of. The Government has always acknowledged that some tribunal should exist by which delinquent Judges might be brought to punishment, but they have continually declared their own inability to frame a competent tribunal. The people have, therefore, very steadily preserved in their own hands the only check they possessed over their magistrates, namely, the annual vote of the Assembly. If, however, a new and efficient means of checking and controlling the judicature could be devised, the House of Assembly would willingly yield up this annual vote, and grant salaries to the Judges for a term of years.

Now, the method I propose for obtaining this desirable object is as follows:—I propose that a General Assembly should sit at Montreal, composed of delegates chosen by the Houses of Assembly in Upper and Lower Canada, in Nova Scotia, New Brunswick, and Prince Edward's Island. Each province should send five delegates, and the General Assembly should represent the various colonies thus electing them. The term for which this Assembly should exist ought to be four years. The most difficult matter connected with this body would be, the describing and accurately defining its separate powers and duties. These ought to relate to two distinct subjects. This General Assembly ought to be both a judicial and a legislative body. The judicial functions ought to be two-told. 1st. It ought to constitute a tribunal before which the Judges of the various provinces might be impeached; and out of the Assembly a Court composed of not more than three members might constitute, 2dly, a Court of Appeal, and perform all the judicial functions now inefficiently exercised by our Privy Council. It would not be difficult to describe accurately and clearly the precise extent of these judicial powers, and the manner in which they were to be exercised. A law of impeachment would be required, together with a code of procedure. But no difficulties of any moment would here obstruct the path of the legislator. If this tribunal were created for the trial of the delinquent Judges, no difficulty would arise in granting them a salary for a term of years. I shall have to speak on this subject when I come to the question of finance, and therefore defer further explanation until I arrive at that part of my subject.

The real matter of difficulty would be the defining the legislative powers of this General Assembly. As the delegates would represent, each set of them, the province which sent them, and not the people numerically, this General Assembly ought in its legislative capacity to be confined wholly to matters affecting the various provinces as separate States, if I may use the term in their case; as, for example, to matters in dispute between two or more provinces—to means of general communication, whether by rivers, canals, roads, or railroads; and, perhaps, the post-office might advantageously be placed under their supervision. Great care and much mastery of language, great jurisprudential science, would be needed to frame the law by which the powers and duties of this Assembly would be created. We need not, however, doubt the possibility of drawing up such a law, when we know that the same sort of difficulty had to be encountered, and was encountered, by those who framed the Constitution of the Federal Government of the United States.

I would here take occasion to remark, that the language so prevalent when gentlemen speak of the disputes now existing between Upper and Lower Canada leads to very erroneous conceptions. People fancy that the two provinces are quarrelling with each other, and that Lower Canada is endeavouring to impose upon the Upper Province. This is by no means the case. The understanding between the two provinces has hitherto been of the most friendly nature, and Upper Canada has in reality had no cause of complaint. It can only be for mischievous purposes that certain persons talk of disputes, and endeavour to create ill-will where none now exists.

I have now, Sir, explained so much of my plan as relates to change in the political constitution of Lower Canada and the neighbouring colonies; but, unhappily, I have not yet exhausted the catalogue of disputes and complaints in Canada. Little would have been done towards creating good-will and establishing peace if we were not fairly to meet and definitively to settle the many difficulties surrounding the delicate question of finance in Canada. The difficulties connected with finance in Lower Canada are of a two-fold description. The first relate to the collection and supervision of the revenue. The second to its distribution. I will endeavour to explain as briefly as possible the peculiar difficulties of each division, and then state my proposed remedy. When the present Constitution was granted to the Canadas, the whole of the revenues of the province of all descriptions were formally and solemnly given up to the Assembly, to provide for the civil expenses of the province. If the Committee will turn to the 32d page of the minutes of evidence taken before the Select Committee of 1834, and which I now hold in my hand, they will find a message from Lord Dorchester, the then Governor of Canada, to the House of Assembly. That message contains a description of all the sources of revenue in the province. At present there is no dispute about any part thereof, except the casual and territorial revenue, including the land and timber fund. It is contended by those who have so long resisted responsibility to the Assembly, that this casual and territorial revenue belongs to the Crown, and that it never was given up to the House of Assembly. On this point I beg the attention of the Committee to the first paragraph of the message of Lord Dorchester, and to those remarkable words contained therein.

" The Governor has given directions for laying before the House of Assembly an account of the provincial revenue of the Crown from the commencement of the new constitution to the 10th of January, 1794. First, the casual and territorial revenue, as established prior to the conquest, which his Majesty has been most graciously pleased to order to be applied towards defraying the civil expenses of this province."

Surely, after this, we shall not have it denied, in this House at least, that the casual and territorial revenue was distinctly, formally, and advisedly brought under the control of the House of Assembly by this message. The House of Assembly requires that this declaration of Lord Dorchester should be acted up to; it requires that the whole revenue, without reserve, that is, the whole gross revenue, should be submitted to the supervision of the Assembly, so that the people may in no shape be taxed without the assent of their representatives. Various subterfuges have been resorted to in order to withdraw part of the revenue from the supervision of the Assembly; and one of the pretences to this end was repeated by the noble lord the member for North Lancashire, and late Secretary for the Colonies. A notable pretence, truly. It is in a few words as follows:—In England the King, as king, has certain private estates, as much his estates as that of any gentleman who hears me; what the King now possesses are part only of the hereditary estates of our ancient kings, estates from which they formerly drew their means of subsistence, just as any private gentleman does

from his own property at the present day. These revenues the King gives up at the commencement of each reign, and makes an advantageous bargain for so doing; inasmuch as the revenues derived from these estates are now actually nothing, since the cost of collection quite equals the whole return; but the civil list which the Monarch acquires is good solid money to a very large extent. These private estates of the King are called crown lands in England; but it so happens that all the lands not settled in Canada are also called crown lands, and because these two things bear the same name, they are quietly assumed to be identical. That is to say, the whole of New South Wales, for example, discovered and acquired by the English nation, is the same thing as the King's private estate in Dale; and the Canadas, acquired by the blood and treasure of England, made fertile and valuable by the labour of the colonists, are to be deemed the private apanage of the King. This pretence is too monstrous to be maintained when once explained. What then do I propose to do with the revenues of Lower Canada? I propose, at once, without reserve, to submit them to the control of the Assembly; and I am the more strongly convinced of the necessity of this proceeding by the declaration of Sir George Murray, when Secretary for the Colonies, to the following effect:—In his dispatch to Sir James Kempt, of the 29th September, 1828, he says,—

"So long as the Assembly is called upon to provide for and to regulate any portion of the public expenditure, it will virtually acquire a control over the whole. If the entire charge of the civil government of the province could be limited to the amount of the crown revenues, it might be possible to act without any dependence on the Assembly. But whether such result would be desirable, or would be really conducive to the welfare of the province at large, it is unnecessary for me to inquire. It is sufficient to say, that under the existing law the executive government of Lower Canada cannot be relieved from a state of virtual pecuniary dependence upon the Assembly by any constitutional means, and methods of a different nature must not be resorted to."

Such is the language of a Tory Secretary of State! Would that the Whig government would imitate his respect for the constitution and the law. If, then, it be impossible for the government to avoid being virtually dependent on the Assembly, I cannot but think it the wisest plan, without subterfuge, or trick, or contrivance, at once to give up the whole revenue, and, without bickering and quarrelling, to submit to a necessity from which you cannot legally escape.

So far, then, as respects the collection and supervision of the revenue. I now proceed to the distribution; and here I arrive at the great source of all the bitter waters of this painful dispute. The government unwisely, as I think, being urged by no evil yet arisen, demanded, in a fatal hour for the peace of Canada, a permanent civil list. This was steadily refused while the question of the revenues was left unsettled, and while no tribunal was provided for the trial of delinquent Judges. If, however, the tribunal I have already proposed should be established, and if the revenues were honestly given up to the Assembly, a civil list would at once be granted by the Assembly for the term of seven or ten years, to the following officers:—the Governor, the Judges, the ten senior Exe-

cutive Councillors, including the Attorney and Solicitor-General. And lest any doubt should arise as to the fulfilment of this promise on my part, I should desire the measure I contemplate to pass in such a form as that its coming into execution should be dependent on a passing of the civil list by the Assembly. At this time I cannot stop to discuss the accusation so often made against the Assembly, and reiterated by the noble lord opposite (Lord Stanley), of breach of faith as respects the civil list. The field I have yet to travel is so extensive, that I cannot deviate from the straight path; but I promise this House and the noble lord that, before the evening has passed over, that accusation shall be answered, and answered at once, and for ever.

At this point I may be met with the lamentations respecting the misery of the official people, whose salaries are at this period unpaid; and I may be asked, if I contemplate the leaving these distressed officers in their present unhappy condition? My answer is—pass this measure I propose to you, and, as a part of it, pay the officers out of the English treasury. By this means you will relieve the distress which so bitterly afflicts your official hearts, and you will not outrage the feelings of the Canadian people; but I beg it to be remembered, that I consent to the payment of these people in this way only on the understanding that the plan I propose is adopted. Any payment, without redressing the grievances of the Canadian people, no matter whether the money is furnished out of our treasury or that of Canada, would be a gross and flagrant violation of the Canadian Constitution, a breach of faith on our part, and an unjustifiable insult to an injured people.

On the remaining points of dispute I shall not lay any very great stress at present. The Tenures Act has already been given up by the government, and the Land Company may for the present be left out of our consideration. Let its claims rest as they now rest, on an act of Parliament, and let us not encumber the present question by any special reference to its concerns. If I might be permitted to suggest a course on this subject to his Majesty's ministers, I would recommend them to enter into negotiations with the Land Company. I suspect by this time that corporation is getting heartily tired of its bargain, and would be glad to withdraw themselves from a country in which they are looked upon with no kindly feelings. They would, I fancy, not be backward to accept an equivalent on lands situated in the genial climate of Australia, where no jealousy would impede their progress—where they might found a colony in place of disturbing one. On the subject of the boundaries of Lower Canada, I would entreat the Government to do nothing. They have enough in their hands already in the shape of dispute, let them not add another difficulty to a subject already complicated. They may say, and with some truth, there is land at the mouth of the river St. Lawrence unsettled, and, perhaps, they may propose to create a new government in those parts, and offer lands to the poor emigrants from Ireland. Should they persevere in this plan, I would suggest that they should offer these lands to the Land Company, and perhaps they might then (could they persuade the company to accept them) allay the discontent that will infallibly arise in consequence of any change of the present boundaries of Canada. But the most prudent course would be, to say nothing of either sub-

ject at present, and at the earliest opportunity to endeavour to remove the Land Company to another country.

Such, Sir, is my plan for the pacification of Canada — a plan which I believe adequate to the end in view—sufficiently extensive in its reforms to satisfy the just demands of the people of Canada, and containing nothing which ought to alarm or affront the pride of this country. The most important portions of the scheme are actually in existence in many of our colonies, and all that is really novel is rather in opposition to than in favour of the peculiar and democratic leanings of the Canadians. I am, therefore, at a loss to learn on what public grounds this proposal can be opposed. I can, indeed, easily understand the personal vanity, the private interests, and the ignorant prejudices that stand in my way; but I would entreat his Majesty's Ministers to prove themselves on this great occasion superior to these wretched inducements; and I would also address myself, with all due courtesy, to the Noble Lord, late Secretary for the Colonies, and beseech him, if he desire the happiness of his country, the peace and kind fellowship of all our various citizens, to check and subdue in the present instance the bitter asperity of manner and of language which distinguished his address in his attack (unfounded as I pledge myself to prove at the fitting opportunity) upon the whole Canadian people, when this perplexing question was last before the House. That address will not soon be forgotten by the colony to which it was in reality directed. The position of the speaker gave it importance. A man who had held a great and responsible office, who had been entrusted with the rule of all our vast colonial possessions, must, by the world at large, who are ignorant of the many secret influences which govern public affairs, be considered as one deemed by his countrymen generally worthy of trust, and capable of shaping his conduct so as to make it accord with the feelings and wishes of the nation which confides in him. The colony, then, looking at the Noble Lord's late position—considering also the sort of pre-eminence which he enjoys in his own party—cannot but believe that he expresses the policy of one large section of the English community —and what in their judgment will they think this policy to be? The Noble Lord is fond at times of indulging in homely, nay (he must pardon me for so saying), even in vulgar illustrations. These sometimes add significance to a sentence which a more polished phrase would not have conveyed. In the present instance the Noble Lord accomplished this feat with a very sinister dexterity. "You (said he, addressing the Ministers of the Crown), you show your teeth, but dare not bite." What will the Canadian people conclude from this *currish* figure? Why that the Noble Lord having shown, and pretty plainly, too, his teeth, will use them on the first favourable opportunity, and indulge his snarling disposition by snapping at and worrying the Canadian people. He may soon have the opportunity afforded to him. The Canadians know this, and they therefore will naturally award to the Noble Lord's address a greater weight than it deserved from any intrinsic merit of its own. But that which I now aim at is to persuade the Noble Lord to "sprinkle cool patience upon the heat of his distemper," to lay aside, on so critical an occasion as the present, the personal vanities of debate and of office, and approach the question before us in a spirit of calm deliberation, of conciliation, and of kindness. Let him extend the sphere of his political horizon—let its circle

include the future destinies of a great people, and thus neglect and overlook the petty passions of personal warfare, and despise the poor pleasure derived from making himself disagreeable. He has done but too much mischief already, by the unhappy petulance of his uncontrolled temper; let him, even at this hour, endeavour to repair the evil, by endeavouring to set an example to those whom he has unjustly offended—of one who, in the very height and fury of his passion, yielded to prudent council, and was ready, by forbearance and a hearty desire for peace and good order, to do all that he was able to allay heat and animosities, strange perplexing difficulties, and conciliate contending prejudices and interests. Let the Noble Lord do this, and he will turn his former mistakes into the means of acquiring an increase of reputation and respect.

Turning from the Noble Lord to his Majesty's Ministers, I would at their hands endeavour to obtain a deliberate consideration for the project which I have laid before them. In an evil hour for their own reputation they resolved to tarnish their name by promulgating the wretched ebullitions of despotism which now disgrace our table. Their strength, if they have any, lies in the belief that some men have of their being the apostles of generous and liberal principles of government. Deprive their supporters of this belief—let the people of England and the world at large once think that this is a mere delusion, and the fabric of their present greatness crumbles at once into the dust. And what, I ask, could be more efficacious towards such a consummation than the proposal which they are about to make, of depriving a people of the power of self-government? And what, I ask, shall we think of that page of history which relates to our posterity, that the liberty which was granted by the despotic William Pitt was destroyed at the instigation and by the power of the so-called liberal government of 1837!—they who framed the Reform Bill crushed the liberty of Canada—they who desired good government for Ireland, annihilated at one blow the constitution of the Canadian people—and in fervent emulation of Lord North, when he denounced the people of Massachusett's Bay, and with far less palliation than he could offer for his mad career (for the example of that ill-fated minister is before them), they set themselves zealously to work to rear upon the ruins of our colonial dominion another independent nation in America?

Again, let me ask, for what is all this atrocious conduct pursued? Does not the Noble Lord who proposed these Resolutions plainly perceive that he is a tool, a mere puppet, in the hands of others—of others who are now employing his name and power to the furtherance of their own sinister and personal purposes? Does not the Noble Lord, when he feels this, feel also somewhat degraded by the foul uses to which he has allowed himself to be turned? Let him disenthral himself—let him trust to his own feelings in this case, and pursue by consistent conduct the reputation he has already acquired. Let him be known in one hemisphere and in the other, as the asserter of liberal principles of government, not as the lover of freedom in Europe, but a despot in America.

Before the House decides upon this momentous question, I would entreat them to contemplate for a moment with me some of the consequences that may result from our determinations. In the plan that I have presumed to lay before them, I have endeavoured to provide for

the future as well as the present. The time must come when the whole of our American possessions shall become independent states; and there are two peculiar combinations that may occur when this happens; one fraught with danger to England, aye, to Europe; the other carrying with it protection to the world at large. If any circumstances should lead the English colonies of America to join themselves with the United States, and thus confer upon that already powerful people an unbroken line of coast from the Gulf of Mexico to the North Pole, and also a territory stretching from the Pacific to the Atlantic ocean—if such an event should happen, a very few years would be required to make this American republic as formidable to all the nations of the earth as was ancient Rome in her days of greatness. But if we could, by care, erect a northern federal republic out of our colonies, to check and control this mighty power, we should act wisely and with forethought. Let us, then, not so anger and thwart these our colonies while under our dominion as to make them turn to the United States for sympathy and support; but let us teach them to act together, to look also to us for kindness and assistance, so that, when then the time of separation does occur, we shall still be close friends, aiding each other, and protecting and reciprocally forwarding the interests of both nations. The scheme I have proposed has this end in view; it remains to be seen whether that end meets with the approbation of this House, and whether the means suggested are in their opinion adequate to the purpose intended. If they should agree with me, however, that the object I aim at deserves their approval, I entreat them to pause before they for ever shut themselves out from all possibility of attaining it by adopting the Resolutions proposed by the Noble Lord. Let them hesitate ere they refuse the means now offered to them of establishing peace and content in this long disturbed and ill-governed colony of Canada."

The unhappy events which have occurred since this speech was uttered, and the warnings which it contains were set at naught, have fearfully increased the many difficulties even then attendant upon carrying the plan which it suggests into execution. These events, however, need induce no change in this proposed plan; but they call for additions to it. It so happens, that coercion until May is impossible—conciliation might be effected in the interval between the present time and the opening of the navigation of the St Lawrence. The Ministers and Parliament, if really intent upon peace, might immediately proceed to make the attempt to obtain it; and instead of rushing with blind and headlong ferocity into a war, they might give an example of wise and generous conciliation. Canada can be reached through New York—every day sees us sending officers to Canada by that route. Peace-makers might travel the same road, and this country might be saved the expense and the shame of an unjust war in the spring, if the winter were wisely employed in effecting reconciliation.

One preliminary is necessary to any attempt of this sort, and that is a COMPLETE AMNESTY to all parties. If this be not offered, it is needless to think of peace. The people love and reverence their leaders, and will not desert them. The ferocious cry that is raised for the blood of M. Papineau will only serve to perpetuate strife. Let the people of England be assured, that the Canadians know too well their own interests, are far too generous and high-minded to shrink with dastard fear from their leaders in the hour of real danger. The hold that M. Papineau has upon their affections has been gained through the means of their understandings. They know that M. Papineau is the first man of his country in intellectual and moral power. They know that his struggles in this cause have been unceasing, wise, and just. I use these words advisedly and fearlessly. I challenge any one to point out to me one act of M. Papineau's career that deserves the insolent abuse with which the ribald press of England has assailed him. If men say, "look at this insurrection," I answer, Look at it, and tell me who caused it? M. Papineau was no aider, no abettor of this violence. They who violated decency, justice, and all the precepts of common sense and common honesty, by wholesale arrests of the popular leaders, by wholesale dismissals from the magistracy, by cruel exhibitions of prisoners with halters round their necks through excited districts, these, I say, are the men responsible for this insurrection. The amnesty needed is really amnesty for these misdeeds. M. Papineau I assert to be blameless, and not only blameless, but, in the whole of his career as a leader of the people, worthy of all praise and honour. The insolent and violent abuse of the English press he need not fear—but may leave his character and name to the judgment of posterity, which has already vindicated the fame of Washington and of Franklin. The hirelings of their days were as violent and unprincipled as those of the present, and words which any decent man would now be ashamed to utter respecting the reverenced names of these worthy patriots, were the set and established terms of description prevalent during the contest with America. The time will assuredly come when the people of England will also honour the stedfast and generous defender of Canadian liberty.

Amnesty then, for all, must precede any attempt at conciliation. To this end a governor (if one can be found), possessed of the character of Lord Mulgrave, should be immediately sent out to Canada, intrusted with large powers, and for whose promises the government ought solemnly to make itself the guarantee. Let him publish an amnesty, call together the Provincial Parliament, and make an offer

of the plan which I have detailed above. Thus we should throw the heavy responsibility of refusal upon the Canadian leaders. They would never take upon themselves such responsibility. They know well the terrible contest which they would have to brave, with the world's opinion against, instead of for them. Peace would be restored, and our dominion would be strengthened, not only over the Canadas, but over the whole of our possessions in America. We could then meet upon equal terms the United States, and could assume a tone and bearing to her diplomatists that we now find impossible. Let not my countrymen hide from themselves their true position. This American quarrel is destined to work us woe in every quarter of the globe, and to make us humble before every power of the earth. The strife itself is evil sufficient—our commerce, our manufactures, will quickly feel its influence; but the effect upon our power as a nation is an enormous aggravation of the calamity. Russia, and the northern powers, have a direct and immense interest in the separation of England from her colonies. The whole peace of Europe is hollow and constrained. Louis Philippe understands his own position, and sees that his greatest security will be derived from some war which will enlist the sympathies of the people and the army. Even the President of the United States has strong party interests, which may induce him also to go to war. His present difficulties with the commercial portion of the American citizens, might be smoothed by creating an excitement which should swallow up that which exists respecting banks and currency; in fact, from one end of the world to the other, the elements of discord lie thickly strewed, and we, for the miserable purpose of maintaining a wretched oligarchy in the Legislative Council of Lower Canada, and without one particle of hope of any good to ourselves, are about to risk the peace of mankind, by blowing the smouldering fires of discontent into the flames of open war, amidst this dangerous and terrible mass of combustible materials. If the only alternative before us were war or separation, I would willingly give my voice for the latter; but I believe peace yet possible—peace to be purchased by rendering the Canadians justice. If, indeed, the threats that one daily sees in the various journals attached to the illiberal cause in Canada be carried into execution—if, as reported, the insurgent prisoners are being shot by the dozen; then, indeed, all hope of an amicable settlement of this terrible quarrel is at an end. We may put down the people by the force of our armies, but our dominion will not extend beyond the ground which our armies occupy. If, however, wiser counsel has prevailed;

if a merciful conduct has been adopted, the door is yet open for reconciliation. Much has to be forgotten on both sides, and if England be truly magnanimous, she will generously set the example of a ready forgetfulness of what she deems injuries; will use her power to do justice to the oppressed, instead of lending her aid to foster base prejudices, and to further sinister interests. She may yet retain her power in America in peace and security, if she be just.

Despatch in this course is essential to its success. If we, that is, if Parliament should determine to win back the confidence of the Canadians by this wise and generous policy, it must be carried into effect at once, if we desire that it should be successful. Delay will be fatal. The spring will come, and bring armaments and warfare. If the quarrel be yet open, when they arrive, peace, I fear, will be rudely thrust aside, and all the calamity which war entails will be our lot, spite of all precaution.

NOTE.

The 'Sun' newspaper is exceedingly delighted because it is able to point out an error in a statement of mine, respecting the enlistment of troops in America. I at once own that I was not aware of the existence of the law of Congress, which Mr Van Buren has referred to on this occasion; but, in substance, my assertions are perfectly correct. The law is, in reality, a dead letter, and is invoked at the present moment merely for form's sake. The real question was tried in the affair of Texas. Mexico is an independent State, bordering on the United States; unfortunately for her, Texas, one of her provinces, rebelled. Texas lies on the borders of the State of Louisiana and the western territories of the United States. A strong feeling of sympathy for the insurgents arose among the southern population, and support was very openly afforded by the American citizens. The remonstrances of Santa Anna, the President of Mexico, were of no avail. General Jackson was powerless; his language was precisely that of Mr Van Buren, but his interference to prevent assistance was wholly useless. That this will be soalso in the case of Canada, every one who knows the American people, and their habits of thought and feelings, will at once acknowledge. There is in England a very strict law, compelling attendance at church on Sunday, but a man might live in England all his life, and never know that such an enactment existed; and, in truth, it does not exist—it is a dead letter. So is the Foreign Enlistment Act of

Congress. The provisions of the Act are to be enforced by the District Attorney, and this District Attorney is not appointed by Mr Van Buren, but is responsible to the people.* If the people of the district feel strongly in favour of the Canadians, the District Attorney, just as in the case of Texas, will not be anxious to see any illegal proceedings, but will be specially careful to keep himself out of the way of evidence. In proof of these assertions, I will quote two remarkable passages—one from a paper of the southern part of the United States; the other from a correspondent of the 'Times,' calling himself a Genevese Traveller. It should be remembered that, in consequence of the Slavery question, all the southern portions of the United States may be supposed somewhat averse to a junction with Canada; yet this interest notwithstanding, so strong is the sympathy even in the south, that the following is the language held:—

From the New Orleans Bee, July 20, 1837.

"The Canadians feel the imposition and collection of taxes under the authority of the British Government, and the appointment of one branch of the Provincial Legislature by the Crown, as grievances not to be borne; and it is certainly unbecoming the descendants of the stern and fiery old Whigs of Seventy-six, who went to war with the mother country for a duty of threepence a pound on tea, to say that these grievances of which the Canadians complain ought to be borne."

* * * * *

"The situation of Canada, whatever may be the course of events, is highly interesting to the people of the United States. Should the provinces become absolved from allegiance to Great Britain without a recourse to arms, they will most probably seek to be attached to the Union on a footing with the present members of the confederacy. The proposition of such a measure would give rise to angry debates in Congress, and hot contentions among the people, prompted and exasperated by geographical and sectional prejudices. If the present troubles should result in a civil war between England and her Canadian provinces, it would give rise to quarrels and dissensions between this country and England which might put the pacific dispositions of both to a serious test. Whatever might be the wishes, whatever might be the legislative enactments of our Government, we know, by what we have witnessed in the Texian war, that the young men of the west and north could never be prevented from marching by thousands to the aid of the Canadians. Lures would be held out by those people to entice them into their service. The Canadian papers have more than once alluded to the important assistance they would derive from the rifles of the backwoodsmen in case of a rupture with England. *It is useless to disguise the fact that such assistance would be offered without being asked for.* All the legislation of Congress—all

* The district Attorney is appointed by the Judges of the County Courts, and these Judges are appointed by the Governor of the State, subject to the approval of the Senate. Such is the law of the State of New York.

the vigilance of the Executive, could not prevent it. If English pride should take the alarm, war would be the consequence, and England would forget the example she herself has exhibited in the civil wars of Spain and Portugal."

The language of the "Genevese Traveller" is precisely similar:—

"I perceive, in some of the Canadian Government journals, the most violent and barbarous menaces against the revolters. Suggestions are made shocking to humanity—suggestions which, if they could be carried into execution, would disgrace Santa Anna. It is here that the danger is lurking. It is from this source that a most bloody warfare is to be apprehended. Firmness and cruelty are rarely kindred qualities. When Santa Anna commenced his butchery, I predicted, in my letters to you, what would be the effect upon the people of the western States, and what would be his fate, so far as the conquest of Texas was concerned. Those predictions have been verified; and I have no hesitation in saying that unusual and sanguinary punishment in Canada would excite in the New England States, and doubtless in other States, sympathies that could not be repressed, and acts of hostility on behalf of the revolters, that the whole power, moral and physical, of this government could not control or subdue. Volunteers by thousands would fly to the standard of bleeding humanity, and the final result would then be placed far beyond the ken of man. I do not wish to enlarge upon this topic. It may not be palatable to the party in or out of power in Great Britain, but be assured it is not unworthy of consideration. These remarks are not thoughtlessly made, nor are they in my letters impertinent. They relate strictly to American affairs; because the policy of the British Government in Canada, although not anticipated by either nation, may lay the foundation of those feuds and angry discussions which may ultimately interrupt that harmony which now happily prevails between Great Britain and the United States."

Judging, then, from the past, and looking to the present state of feeling in the United States, am I not justfied in asserting that assistance will be given to the insurgent Canadians by the citizens of the United States, and that Congress will not dare to interfere?

DEMAND IN NOVA SCOTIA OF AN ELECTIVE LEGISLATIVE COUNCIL.

Extracts from the Speech of Mr Howe in the House of Assembly of Nova Scotia, in favour of an Elective Legislative Council, March 3, 1837.

"Sir,—I trust that those who hear me will be disposed to ask themselves, not what exists in England under circumstances very different from ours—not what exists in Republican America, created out of a state of things which is not likely to be forced on us; but what is required by the province of Nova Scotia, under circumstances in which we are placed; what form should her institutions assume, in order, by preserving *the responsibility of all branches of the Government to the Commons,* to secure her prosperity and advance-

ment. But, Sir, when I hear it asserted in this Assembly that there is nothing practical in the institutions of our neighbours—that they are based on mere speculation—that beneath their shade neither life, liberty, nor property are secure—a sense of justice—of what is due to the absent, would compel me to say something even in an enemy's defence. Sir, when the learned gentleman thus asperses the institutions of our neighbours—when he tells us that there is nothing practical in Republican America—I point to that great nation, stretching from the Gulf of Mexico to the Bay of Fundy, and I ask him to except the British Isles, and show me where, upon the wide surface of the globe, within the same extent of territory, an equal amount of freedom, prosperity, and happiness are enjoyed? Nothing practical! When I see a people who numbered but three millions and a half at the time of the Revolution, who owed then 75,000,000 dollars, and who, though they purchased Florida with five millions and Louisiana with fifteen, and owed 123,000,000 dollars at the close of the last war, are now not only free of debt, but have an overflowing treasury, fertilizing streams from which, rolling through every state in that vast union, give life and energy to every species of internal improvement;—I ask my learned friend is there nothing practical in all this? When I see 15,000,000 people governed by the aid of 6000 troops, *less by* 9000 *than are necessary to keep the peace in Ireland*—scarcely one-third more than are stationed in the colonies, shall I be told that there is nothing practical in the government under which they live? When I survey their industry—their enterprise—their resources; their commerce, whitening every sea; their factories, propelled by a thousand streams; their agriculture, with its cattle on ten thousand hills; their forty noble rivers flowing to the ocean, covered with steam-boats, crowded with human beings,—again I ask, shall it be said that even the republican institutions of America have produced no practical result? When I behold upon the great lakes, scarcely rivalled by the Caspian and the Baltic, animated scenes of inland traffic; her extended lines of railroad and canal; her splendid packets, glancing like birds athwart the Atlantic; her noble penitentiaries; her excellent hotels; her fifty colleges; her admirable common schools;—I cannot but feel that even if such dreadful evils as these were to come upon us from making our Council Elective, we ought not to be deterred from asking for a change. And when I think of her acute diplomacy—her able presidents, from Washington to Jackson; her orators, from Henry and Quincy, to Wirt, and Everett, and Webster; her philosophers, from Franklin to Fulton; her patriots, from Warren to Clinton; her poets (and sweet ones they are); her Bryants, and Percivals, and Sigourneys;—I am bound to assert that the great nation which the learned gentleman maligned, presents an aspect of political prosperity and grandeur, of moral sublimity, and high intellectual and social cultivation, that ought to have made him ashamed of the unseemly picture which he drew; and I tell him boldly that these are practical results that should challenge his admiration, rather than excite his contempt."

"But, forsooth, all these are to go for nothing, because there are mobs in America—because the people of Charlestown burnt a convent, and some of the rioters were permitted to escape. Did my learned friend never hear of Lord George Gordon's mob, that took

lawless possession of the very capital of that mighty empire to which he is so proud to belong? Does he not know that an infuriated multitude rioted for days uncontrolled in the city of Bristol? Would he like these instances of temporary misrule—of the unbridled sway of human passion—brought forward to prove that there was nothing practical in British institutions—that there was no security for life and property in England? They would prove as little in the one case as in the other. Mobs will spring up occasionally in towns; but, if they sometimes disgrace those of America, who ever hears of them in her agricultural districts? Yet in Britain, not only do we hear of combination to destroy machinery in the cities, but the burning of stacks in the country; and therefore it is, that when I am cautioned against preferring unjust imputations against the body in the other end of the building, who have their defenders here, I advise them to look at home, and not to send abroad unfounded charges against a neighbouring nation, on the presumption that no one will have the manliness to say a word in its defence. I might turn gentlemen's attention to scenes which have occurred at home, under the shadow of that constitution, and those laws they consider perfect, ten thousand times more disgraceful than any that have occurred in America. I might point to 'red Rathcormac,' and the other scenes of tithe butchery in Ireland; and while you sickened at the blood flowing from the wounds inflicted by a brutal soldiery, I might show you the avaricious priests and the besotted Tories—those who drink from the pure stream of political wisdom, described on a former day by the learned gentleman from Windsor—busily goading them on."

"It has been said that Elective Councils are a new invention, but let it be remembered that they existed in some of the old colonies until their charters were withdrawn, and were found to work well. And if the government would but take an enlarged view of the subject, it would, notwithstanding the national and religious divisions, which certainly do present some difficulties, grant an elective council to Lower Canada—for these plain reasons; a vast majority of the people, and nearly the whole of their representatives, require it. To refuse is to perpetuate agitation; to grant it, is to try a great expement for the restoration of peace; and, if it be necessary to resort to force, to re-conquer the country again, it can be done as well after as before the Upper Branch is rendered elective.

"But, it is said, the councils would in that case be filled with persons of low estate—with farmers and mechanics, who know nothing of legislation. Let me, upon this point, quote the answer which an intelligent American gives to Captain Hall. He says:—'From Canada, Captain Hall passes into New York. Delighted with a Governor in Lower Canada robbing the public chest (and pleading an otherwise unavoidable subversion of the government as an excuse), and with a council, composed of the 'Governor's creatures,' negativing every bill from the other house, Captain Hall is of course disgusted with the legislature of New York, as composed of men who had come to the legislature straight from the plough, from behind the counter, from chopping down trees, or from the bar, wholly unacquainted with public business or the duty of the legislator. But we dislike this eternal drawing of inferences, instead of citing facts. We wish Captain Hall would point out the great

practical evils perpetrated by this legislature, or that he would name a deliberative body in the world that can show more work, better done, than may be shown by this very legislature of New York. Look at the institutions of that state; her various endowed charities; her penitentiaries, which our traveller describes with great, but not exaggerated praise; the rapid colonization of her own wide domain, with a population greater than that which Parliament, at a profuse expense of public money, has been able to rear up in all the British North American dominions; her munificent endowment of her colleges; her princely school fund; her more than imperial works of internal communication. These are the doings of Captain Hall's wood-choppers and plough-joggers, but not all of them. If there be a government, popular or arbitrary, which, in nearly the same space of time, and with the command of means, has done more for the advancement of civilization, the arts, and the public welfare and prosperity, we have yet to learn in what part of the world it is to be found..' I give the same kind of answer to my learned friends on the other side."

Extract from a speech of the Solicitor-General of Nova Scotia, delivered in the House of Assembly when the Council question was discussed :—

"On this subject, as on many others connected with the welfare of the country, I have spent many hours in anxious deliberation and inquiry; and the result of my reflection and research has been the conviction (and I know the prejudices of some will be shocked when I avow it), that *no Legislative Council can be formed with advantage to the public, but upon the principle of election.*"

"Whatever may be thought of this avowal, either in this house or elsewhere," said the learned gentleman at the conclusion of his speech, "no official situation shall ever prevent me from a fearless declaration of my sentiments on public questions, and from an advocacy of such measures as are conducive to the public good."

FOR WHOM ARE WE ABOUT TO GO TO WAR?

THE OLIGARCHY OF LOWER CANADA.*

"And the Locusts went up over all the land,—and rested in all the coasts:—very grievous were they; before them there were no such locusts as they, neither after them shall be such. For they covered the face of the earth so that the land was darkened; and they did eat every herb of the land and all the fruit of the trees."

I.—The Sewell Family.

	Incomes.
1. Jonathan; Chief Justice . .	1500
Speaker of the Legislative Council .	900
Circuits	50
	£2450

* For that of Upper Canada see *ante* page 61—4.

The Hon Jonathan Sewell, a native of Boston, came into the province during the revolutionary war as *protégé* to the late Chief Justice Smith; was appointed, shortly after, Clerk to the Council. Having commenced, after that, the study of the law, was called to the bar, and married Chief Justice Smith's daughter,—was appointed, in consequence of this connexion, Attorney-General, in which capacity he procured the condemnation of M'Lean, and introduced the doctrine of constructive treason, which has never been admitted by the sound constitutional lawyers of England. In Mr Sewell's time, the salary of Attorney-General was fixed at 300*l.* sterling per annum—no fees. A tariff of fees was, however, established by the Council some years after, and although he accepted an office to which there were no fees attached, yet interest was made, and authority was received from home to grant him arrears, according to that table, which arrears it is understood he received, to the amount of between 3,000*l.* and 4,000*l.*

It was whilst this gentleman was Attorney-General that the system of leaders of townships was introduced into the province, from the neighbouring state of New York, of which his father-in-law, Mr Smith, was a native. Mr Sewell, though Attorney-General, was employed to prepare the law instruments, by which, contrary to the royal instructions, large tracts of the public lands were monopolized by these leaders—the sham associates, who were mere borrowed names, by these instruments making over to these leaders their pretended claims or shares of the said public lands, without any consideration of value. This system of jobbing was too valuable not to be taken advantage of by executive councillors, and the consequence is that large tracts of lands are, at present, the property of these persons and their descendents, to the manifest hindrance of the settlement of the wild lands, and in direct contravention to the royal instructions.

In addition to the emoluments above stated, Mr Sewell is lessor of the building in which the public offices are held, and it is calculated that altogether he receives about 3,300*l.* per annum out of the public chest.

Having been obliged to go to England to answer to certain charges brought against him by the Assembly, he received

1,054*l.* sterling in addition, out of the Jesuits' Estates' Revenue, to defray his expenses. The above are exclusive of 100*l*, sterling per annum, which, until a few years ago, he received as Executive Councillor. He was raised to the bench in 1808, from which time to the present he has received somewhere near 100,000*l.* sterling of the public money.

2. William, son to No. 1; Sheriff for the district of Quebec, and one of the directors of the Quebec Bank. Salary, percentages on sheriffs' sales, fees of office, &c., between 1,500*l.* and £2000
3. John, another son to No. 1; Half-pay Captain in the army —Gentleman Usher of the Black Rod in the Legislative Council, of which his father is Speaker—Postmaster of Quebec. Emoluments about . . . 600
4. Edmund (the Rev.), another son to No. 1, late Chaplain to the *Catholic* order of Jesuits (!) which was extinct before he was born, in which capacity, though an Episcopalian clergyman, he received upwards of 1,000*l.* out of the Jesuits' Estates' fund. Church missionary. This gentleman has a private chapel at Quebec, from which a handsome private revenue is derived. Salary as Missionary . 100
5. Henry, another son, Reading Clerk to the Legislative Council, of which his father is Speaker . . 200
6. Montague, another son of the Chief Justice; extra Writing Clerk to the Legislative Council . . . 100

(It is computed that the Sewell family take about 6,300*l.* currency per annum, or 25,200 dollars, being just 200 dollars more than the salary of the President of the United States. Now, Canada is a poor country: has Canada no grievance?)

II.—The Smith Family.

1. William Smith, brother-in-law to No. 1, son of a late Chief Justice of the Province; Member of the Executive Council—Clerk to the Legislative Council—Master in Chancery—one of the board for the Inspection of the Receiver-General's vaults; Judge of the Court of Appeals. Salaries, exclusive of percentage on the contingent expenses of the Legislative Council . (about) £700

(This gentleman has been 41 years in possession of these pickings.)

2. ———, son to No. 8, one of the writers in the Legislative Council. Allowance . . . (about) 100

III.—The Felton Family.

1. William Bowman Felton (recently deceased), represented to have been originally a purser in his Majesty's navy. Was a Legislative Councillor, Commissioner of Crown Lands, and Surveyor of Woods and Forests . . 1200

   (This person was dismissed from one of his offices; but his case illustrates in so remarkable a manner the vicious state of misgovernment in Lower Canada, that it will, if possible, be stated especially on another occasion. The following is a statement of the lands he managed to secure to his family whilst he held office :—Various grants to himself—14,141 acres; to his children, William, Eliza, Charlotte, Fanny, Maria, Matilda, Louisa, Octavia, 1,200 each=9,600: in all, 23,741 acres.)

2. Charles Bridgman, brother of the above, Prothonotary, Clerk of the Peace, and Agent for the issue of Tavern Licenses, for the district of St Francis. Emoluments unknown

3. Charles Witcher, brother-in-law of the above; Postmaster of Sherbrooke; Sheriff and Deputy Grand-voyer of the District of St Francis. Salary and fees . . unknown

   (This person was proved to have been guilty of great malversations in the execution of his office of Sheriff, yet he was retained by the Executive in opposition to the desires of the Assembly.—*See a Parliamentary Paper printed last Session, No. 270.*)

IV.—The Ryland Family.

1. Herman Witzius Ryland, formerly Civil Secretary to Lieut.-Governor Milnes; after the execution of M'Lean on a pretended charge of high treason, he received a pension of 300*l.* sterling, per annum, out of the monies of the Province.

   Mr Ryland was for some time Secretary to the arbitrary Sir James Henry Craig, in which capacity he furnished instructions to, and corresponded with, the traitor Henry, who was sent by Governor Craig on a secret mission in 1809 to Boston, for the purpose of ascertaining the probability "of bringing about a separation of the Eastern States from the General Union, and to offer to the discontented in those States assurances of aid and support from his Majesty's Government in Canada." This plot was principally managed through the Officials of Quebec. Henry having been unsuccessful in his mission, was refused on his return the promised reward of his iniquity.

Finding that he was disappointed, he went to the city of Washington, and sold the correspondence that passed between himself, Mr Ryland, and Governor Craig, to the American Government, for a considerable sum of money.

[The correspondence on this subject will be found at length in Carey's "Olive Branch," 7th Edition. *Middlebury, Vermont*, 1816, pp. 152.]

Mr Ryland is at present Clerk of the Executive Council, Member of the Legislative, Clerk of the Crown in Chancery. He held some years ago the situation of Treasurer to the Jesuits' Estates, for which we believe he has a retired allowance. Emoluments (including pension), but *exclusive* of fees which he receives as Clerk to the Council £900

2. George, son of the above, Assistant to his father, and late Secretary to the Jesuits' Estates. For the loss of the latter situation he has been for some time a claimant for a retired allowance. Salary . . . 183

V.—The Thompson Family.

1.—J. G. Thompson studied law under the Chief Justice—became afterwards Coroner of the District of Quebec—then Judge of the District of Gaspé. Salary and allowance . 550

(This man was convicted before a Committee of the Assembly of having been drunk* on the bench—of being, in fact, an habitual drunkard. Yet he is still forced upon the unfortunate people of Canada.

2. Tennett Houston Thompson, brother to the above, Half-pay Assistant Commissary-General, acting Deputy Postmaster-General, Clerk of the Court of Escheats (never opened, yet salary paid) Secretary to the Corporation of Clergy Reserves, emoluments . . . unknown

(This family owes its power and influence entirely to its alliances, and would scarcely have required specifying as a family but for the following.)

3. Andrew William Cochrane, brother-in-law to No. 14; late Civil Secretary to the Earl of Dalhousie; Member of the Executive Council; Law Clerk to the Legislative Council; Judge of the Court of Appeals; Auditor of Land Patents; Commissioner of Escheats† (for which he draws

* *Vide* a detail of this case *ante* page 53.

† It appears from a despatch of Lord Glenelg's, just published, that this office is to be abolished. His Lordship condoles pathetically with Mr Cochrane for the loss of his salary (forgetting, that to draw a salary for which no service is rendered, is a robbery), and recommends him for some other office.

a salary, although the court has never been organized nor opened); King's Counsel; Trustee of the Royal Institution; Justice of the Peace for the Province; Director of the Fire Insurance Company. Emoluments, so far as known 880

4. Very Reverend G. J. Mountain, son to the late Bishop of Quebec, brother-in-law to the above; formerly Archdeacon and Rector of Quebec, now Bishop of Montreal; Trustee of the Royal Institution; Director of the Board of Clergy Reserves, &c. Emoluments about . . . 2000

VI.—Miscellaneous Family Connexions.

1. John Hale, connected with the Amherst family, a member of which made strenuous efforts to get possession of the Jesuit's Estates. Legislative Councillor; Receiver General of the Province. Salary . . . 1000

2. Edward Bowen, cousin and brother-in-law to the late Receiver General, No. 4 below, brother-in-law also to No. 3, formerly Attorney General. Is at present Judge of the Court of King's Bench. Salary and Allowances . . 975
(One of his daughters married to a son of No. 1, and another to a son of No. 5. Judge Bowen is another instance of a Judge retained against an address of the Assembly, founded on such evidence before a committee of the house as ought to have obtained his removal.)

3. John Davidson, brother-in-law to No. 2, and also to the late Receiver General, No. 4. He came to England when his brother-in-law failed to procure terms from the then Ministry, and was successful so far that he was appointed Grand-voyer of the Province, and Overseer of the woods and forests, with authority to receive fees, office to the amount of 1000*l.* a-year. The duties of this situation having since merged into other hands, Mr. Davidson was for some time clerk to W. B. Felton (III. 1), with a salary of 400*l.* sterling per annum, paid without the consent of the Representatives of the people; and at the death of Mr. Felton he succeeded to one or both of his offices. Pay and emoluments about 1000

4. Sir John Caldwell, brother-in-law to the above 2 and 3; late Receiver General, and a defaulter to the extent of 100,000*l.*, or one whole year's revenue. Was till lately permitted to hold his estates at a small rent. A Legislative

Councillor. This case will, if possible, be explained at length on another occasion.

5. Matthew Bell, formerly partner in trade with No. 6, Legislative Councillor, and lessee of the Forges St. Maurice, and large tracts adjoining, being part of the Jesuits' estates, of which No. 6 is manager. The lease of the St. Maurice Forges expired some years ago. The House of Assembly requested to be informed if they were re-leased, and on what terms. Information refused by the Governor. There was great neglect of duty on the part of his Excellency in the affair of these Forges. In re-letting them, they ought like other public property to have been set up to auction, and leased to the highest bidder; instead of which the affair is managed in the dark. The people and their Representatives could learn nothing about it. The connexion which formerly existed between Mr. B. and No. 6, it is supposed, may have facilitated the acquirement of the other public lands in the neighbourhood of the Forges, on easy terms.

(A son of Mr Bell is married to a daughter of Judge Bowen, No. 2; thus establishing a family connexion between all the above persons.)

6. John Stewart, formerly partner in trade with Mr. Bell; recently Legislative Councillor; Executive Councillor; Commissioner of Jesuits' Estates; Master of the Trinity Board; Judge of the Court of Appeals . . . 505

7. C. E. De Lery; recently Executive Councillor; Assistant Clerk of the Legislative Council; Master in Chancery; Judge of the Court of Appeals 460

The reader should here remark, that whilst some of the Executive Councillors are Legislative Councillors also, the members of one council think it no degradation to become the servants and accept the wages of the other. Thus Smith II. 1, Cochrane V. 3, and De Lery, VI. 7, were all, until a late change, Executive Councillors and Clerks to the Legislative Council; whilst Ryland IV. 1, is a Legislative Councillor, and at the same time Clerk to the Executive Council. In this way has the identity of the two bodies been kept up.

8. C. D. Lery, Jun., son of the above; Reading Clerk to the Legislative Council 180

9. C. R. Ogden, son to the late Judge; Attorney General of the Province. Salary and emoluments at least . . 3000

Mr Stuart, the late Attorney General, stated in his memorial that his office whilst Crown Officer was worth from 4 to 5000*l.* a-year, exclusive of private practice.

10. J. G. Ogden, a brother of the above, Sheriff of Three Rivers. Emoluments about . . . 500

Such is the family clique, to the tender mercies of which the Lower Canadians have long been handed over. It is to their oppressions and misrepresentations that we owe the present unhappy state of things. For them it is that Ministers spurn conciliation, and determine upon a costly occupation of the country, and, perhaps, a bloody war.

But,—"Canada has no grievance!"

H. S. C.

DISMISSAL OF OFFICERS OF MILITIA.

In the despatches laid upon the table of the House of Commons, respecting the proceedings of the Government of Canada, neither the names nor the number of the Officers of Militia dismissed by Lord Gosford are mentioned, though the information is exceedingly necessary in order to learn what steps were taken by the Government to excite the people to engage in a civil war. In order that some notion may be given of the feeling existing among the Militia, the following, out of numerous letters of resignation in the hands of the writer, is published. It is needless to say, that this lettter is not among the papers laid before Parliament, which, like most diplomatic papers, are remarkable for not giving any new information, and for omitting all information that they might be expected to give;—not stating why Magistrates were dismissed, in order to enable the Attorney-General to execute measures of which no justification is given, nor giving the names of the Magistrates whose honesty he could not defeat, nor the number of these Magistrates; not stating why the Speaker of the House of Assembly and twenty-eight of the most eminent men of Montreal were ordered to be arrested, or what acts they had committed to authorise their arrest; but stating merely a course of proceedings pursued by the Government to excite and to exasperate the people to commit some act of hostility,—a course of proceeding long perceived in Canada, and guarded against with the utmost care and success, until the Government ordered the seizure of those upon whose liberty the peace of the province depended.

Office of the Adjt.-Gen. Mil.
Quebec, 2nd Oct., 1837.

"Sir,—By order of his Excellency the Governor-in-Chief, I inform you that you, by your commanding officer, are reported as having given a positive refusal to comply with the general order of the 21st June last, to read the Proclamation of the 15th same month. I therefore request you will give, for his Excellency's information, an explanation of the case. I have, &c.

"L. Juchereau Duchesnay,
"Dep. Adjt.-Gen. Mil.

"Capt. G. W. Baker, 2nd Bat. Beauharnois,
St Martine."

"St Martine, Oct. 12, 1837.

"Sir,—I have to acknowledge yours of the 2nd instant, informing me that my commanding officer has reported to the Governor-in-Chief that I gave a positive refusal to comply with the general order of the 21st June last, to read the Proclamation of the 15th same month. You request an explanation of the case: it would appear that his Excellency entertains some doubts about the matter. I can assure you, for his Excellency's information, that Lieut.-Colonel Brown's report is perfectly correct. Lest his Excellency should have any further doubts, I herewith transmit for his information, a certificate of my Ensign, and part of the Militiamen belonging to my company, who attended parade on the 29th June last. I beg that you will be kind enough to say to his Excellency, that I shall feel highly honoured when he shall have placed me on the list, with the Hon. Mr Papineau, of dismissed officers. I have the honour to be, &c.

"G. W. Baker.

"L. Juchereau Duchesnay,
Deputy Adjt.-Gen. Mil. Forces, Quebec."

Certificate.

"We, the Militiamen of Capt. George Washington Baker's Company of the 2nd Batt. of the County of Beauharnois, Parish of St Martine, certify that we were, and assisted, at the Review of the Militia of the 29th June last, at the church door of the said parish; and we certify further that Captain G. W. Baker did not read, nor cause to be read, the celebrated Proclamation of Lord Gosford, tending erroneously to prevent legal and patriotic meetings of the people of this Province, on the dearest and most interesting condition thereof that can concern them in the circumstances of uneasiness in which it has been for a long time: and we, consequently, approve very highly and completely of the conduct of Captain G. W. Baker, and his silence on the said Proclamation; in testimony whereof we have signed and certified these presents, at St Martine, the 12th Oct. 1837.

Louis Tessier, Ensign
Charles Faubert
Alexis Manville
Frs. Gougeon
Jos. Chevallier
Michael Tessier, Serjeant,
Michael Tessier, Jun.
Joseph Tessier
Louis Gervais
Pierre Faubert
Joseph Gaudro
Joseph Leduc
Joseph Rousseau
Charles Craite
Jean Marie Lefebvre
Nicholas Primault
Pierre Richard
Antoine Maheue
Louis Morand
Pierre Moss, Sen.
Pierre Moss, Jun.
Louis Julien
Ol. Lefebvre
Louis Julien, Jun.
Charles Lefebvre
Amable Lefebvre
Frs. Lefebvre
J. Laberge dit Bertrand
Louis Laberge."

It could not but be supposed that the arbitary dismissal of Officers of Militia, who considered that they were entitled to remonstrate against Lord John Russell's Resolutions, would produce great dissatisfaction.

This feeling became general both in Upper and in Lower Canada, and every liberal paper in Upper Canada called upon the Officers of the Lower Canadian Militia to throw up their commissions. The following Resolutions were also passed at a meeting in Lower Canada;—

On the motion of Mr Antoine Demers, seconded by Mr Joseph Martel, of Montreal,

"Resolved, That Officers of the Militia in this Province are dismissed from 'Her Majesty's service' in a manner contrary to all received military rules, without trial or court of inquiry, and without, in many cases, being furnished with a notice of the accusation against them, and in all others without a knowledge of the names of their accusers; without the means of clearing themselves from such pretended accusations before a competent tribunal: that such proceedings are highly irregular, despotic, and unjust, and tend to destroy that just protection which all officers should experience in the service, and are entitled to; that the consequences of such illegal, unjust, arbitrary and disorderly proceedings are apparent in the general order of the 28th ult., wherein the Executive is forced to acknowledge that it had ordered the dismissal of a worthy officer from the service 'through mistake.'"

On the motion of Mr Hughes Lenoir *dit* Rolland, seconded by Mr J. B. Lenoir *dit* Rolland,

"Resolved, That these arbitrary proceedings, together with the tyrannical measures of the British Parliament, have estranged the affections of the great mass of the Militia of this Province from the Metropolitan State, for which his Excellency Archibald Lord Gosford, and the other evil councillors by whom the Crown is surrounded, should be held responsible."

The following expression of feeling upon this subject is taken from an Upper Canadian paper:—

"We perceive by the Quebec Official Gazette, that a number of Magistrates and Militia Officers in Lower Canada have been dismissed —ignominiously dismissed from office by Lord Gosford, for having exercised their rights as independent freemen at the late public meeting in that misgoverned province. Gracious God! to what a state of degradation are not the Canadas being reduced! Were our humble advice worth consideration, we would, without hesitation, recommend every independent office-holder both there and here, instantly to retire from a service which they cannot fill without sacrificing the sacred right of British freemen—the freedom of thought and action within the limits of the British Constitution. They should not wait to be immolated by slow degrees, but manfully come forward in a body, and tell him that it would not comport with their dignity, nor their sense of duty to their oppressed country, to hold office under a Government of tyranny and disgracefnl espionage. The Military Officers resigning may be re-elected by the people, were it only to prove to Great Britain that men who could not serve with honour under the local Government, constituted as it is, had their fullest confidence and respect."